





CAPITOL OF TENNESSEE AT NASHVILLE.

First occupied by the Legislature in 1853.

HISTORY OF TENNESSEE,

ITS PEOPLE AND ITS INSTITUTIONS.

BY

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PREFACE.

The competent teacher of history demands of the text-book two essential qualities :

First. The text-book must contain a clear statement of all material facts, and an adequate discussion of all important topics, arranged in such consecutive order as to cover the subject completely, and to connect all the parts in logical sequence. There must be no missing link in the chain of events. The author of the text-book does not share in the license accorded to the general writer. He has no right to dilate on favorite or sensational topics to the omission or exclusion of essential links in the chain of history. In order to cover the subject in all its parts, it is necessary that the style be concise and the scope be comprehensive. If the text-book be defective in this first essential quality, no rhetorical excellence or charm of style can cure the defect.

Second. In connection with the statement of each important fact, and the discussion of each important topic, the text-book must supply carefully selected page references to the sources of information, and to the best authorities in which the subject is treated more in detail than the restrictions of a school-book will permit. The skillful teacher makes this demand of the text-book, because he needs it as an aid to himself and a guide to the pupil, in order to accomplish the best results. He knows that the limitations of the school-term will not permit him to do more than lay the foundation upon which the pupil, himself, in future years must build the superstructure.

If the teacher is ambitious that his teaching shall live in the future lives of his pupils, he looks beyond the school-room, and is not content to prepare his pupils only for the next recitation, or the next examination. If he aims to train lovers of history, or readers of history, or writers of history, he must give his pupils, at least, a glimpse of the rich and varied field of historical literature, with some training towards forming the habit of historical research, and some practice in the methods of historical investigation. The text-book should aid in this work by supplying references.

As a quality next in importance, the teacher requires that the text-book shall be made as interesting as the limitations of space and

the restrictions of a concise style will permit ; yet he can not pardon the text-book which sacrifices historical instruction to sensational composition.

As a means to aid in rendering the conception of the pupil clear and permanent, the teacher also requires that the text-book shall be appropriately and copiously illustrated with maps, charts, pictures, and portraits, suited to convey the vivid impressions derived from the sense of sight, and he demands that these illustrations shall be correct and artistic.

The above-mentioned qualities should be required of every school text-book on history. The text-book purporting to teach the history of Tennessee should also possess certain special features, adapted to the special phases of Tennessee history. If the pupils are to form at school an adequate conception of the history of their State, the several periods of its development and the rise and growth of its civil and political institutions must be clearly portrayed, and interwoven with the narrative of events.

Beginning with the distinctive and romantic period of Tennessee history, which extends from the advent of the pioneer to the date of the admission of the State, in 1796, the spirit of this period should be taught as well as its facts. It is not enough that the children of the State should learn the events of this period when their fathers acted in the obscurity of the wilderness parts fit to adorn the theater of the world. They should be electrified with the spirit of their ancestors. They should be taught to comprehend the character and aspirations of these pioneer heroes—these heroes, all unconscious of their own grandeur, invested with none of the extravagant attributes which make ancient heroes ludicrous, but simply a noble type of manhood equal to any human emergency, and developed into greatness by their romantic environments. Such instruction can not be imparted by the mere recital of events or anecdotes, however vividly narrated, nor by eulogies of a few leaders, however glowing. The picture must be a consecutive panorama, and must include the unnamed body of pioneers. Fully to appreciate the genius, the struggles, and the triumphs of the founders of Tennessee, the pupil must be so instructed as to form an adequate conception of their environments. He must have some knowledge of the aboriginal inhabitants, their characteristics, their traditions, their claims to the soil, their relations to each other and to the white people. He must know something of the contest among the European powers for posses-

sion of that portion of America which includes Tennessee. He must understand how this contest affected the early pioneers in their struggles with the Indians.

With this knowledge clearly held in mind, he can appreciate not only the heroic acts of individuals, but also the grand achievements of the pioneers as a body. He can understand the dangers with which they were beset, the nature of their struggle, and the grandeur of their triumph over savage foes, British hostility, and Spanish intrigue. He can recognize their intuitive sagacity in establishing independent governments suited to their needs, ordaining the first written constitution framed by native Americans, founding in the wilderness the institutions of civilization, and planting the industries of domestic life. He can study intelligently the growth of the pioneer settlements into strong communities, and trace the result of Indian wars and Indian treaties to the time when the pioneers acquired title to every foot of soil of Tennessee by purchase or treaty. He can understand the reasons why the pioneers sought and obtained recognition from the parent State, surrendered their independent governments, and were merged into the State of North Carolina. He can appreciate the fact that in establishing their independent governments, as also in surrendering them, their motive was always the same—to acquire the boon of being free citizens of a sovereign State, and of the United States.

For about eight years the pioneers had enjoyed State citizenship, when they felt that it was endangered by the act of North Carolina, in 1784, ceding their country to the United States. Alarmed and indignant, unwilling that their rights of citizenship, for which they had struggled so long, should be so lightly regarded by the parent State, they determined to defend it by returning to their original condition of independent government, and attempted to establish the State of Franklin. The second cession by North Carolina, made in 1789, and which went into effect in 1790, furnishes the only instance in the history of our country, previous to the "Reconstruction Period," in which the people of any populous community were degraded from the condition of State citizenship to that of "inhabitants of a Territory." The pupil can trace the causes which induced the people of the ceded territory to accept cheerfully, in 1790, the conditions which they had resisted in 1784.

Through the period of apprenticeship under the Southwest Territory, the people looked anxiously forward to statehood, when their

rights of citizenship would be placed upon a secure and permanent footing. Impelled by the same ardent longing to enjoy this great boon, they anticipated the action of the United States, organized a State government, and entered upon the exercise of State sovereignty March 28, 1796, more than two months before the admission of the State by act of Congress. When finally admitted, June 1, Tennessee was already a State in full operation, and had the honor to be the first State formed out of Federal territory. With its admission, in 1796, the distinctive and romantic period ends.

In treating of Tennessee as a State, its history is interwoven with the general history of the United States, and the pupil enters upon a new phase of the subject. He finds less of romance, and deals more with political and economic questions. He must study the formation of constitutions, the development of institutions, questions of internal improvement, State debt, extension of the elective franchise, corporations, etc., all complicated with questions of Federal politics. The narrative is varied with the events of Indian wars, and foreign wars, in all which Tennessee took a leading part and acquired the title of the "Volunteer State."

The pupil must follow Tennessee in its rapid growth in population and wealth, and in political influence, until it becomes, during the period from 1824 to 1849, the most influential State in the Union. From the end of this period to the present time the history of Tennessee reaches forward into the memory of men now living, and approaches the boundary line which divides history and politics. History deals with past politics, and the historian shrinks from touching political questions of the present. Yet, it is the imperative duty of the teacher and of the text-book to supply to the pupil a true and impartial narrative of all the important events in which Tennessee has taken part.

The narrative of the Civil War and the "Reconstruction Period" presents to the historian, as well as to the teacher, his most delicate task. The children of the State have a right to know all the facts of its history. Events of great importance must not be passed over in silence, or concealed by evasive treatment. The teacher and the text-book owe a duty to the State, to the pupil, to themselves, and to the truth of history. They must relate the events of the Civil War and of the "Reconstruction Period," and must paint a true picture of the bitter irritation of the times.

The teacher or the writer who converts this duty of the historian

into an occasion for rekindling buried passions, or for instilling into the tender minds of children sentiments of partisan animosity, is guilty of a crime against society.

Fortunately, the picture has its bright side, and affords the opportunity to illustrate the magnanimous characteristics of the people of Tennessee, and to inspire generous and patriotic sentiments. The lesson must not end with depicting the passions aroused by war and reconstruction. It must go on to the pleasing recital of the restoration of political rights, followed by the growth of kindly sentiments which, even before the Spanish War, had reached the point of mutual forgiveness and charity to all. In teaching lessons of patriotism, the text-book can do little more than supply the materials. The teacher must rise above the text-book and inspire enthusiasm.

The history of Tennessee from the time of the adoption of the Constitution of 1870 to the present time is a chain of peaceful events, including the annals of successive political administrations, the development of institutions, and the discussion of social, industrial, and financial interests.

In preparing a text-book for the use of schools, the authors have endeavored to comply with the requirements which they believe to be demanded by the teachers of the State. They have endeavored to supply a complete and reliable guide for class work, which refrains from encroaching on the functions of the teacher by framing the text into a set form of recitation. They have attempted only to furnish the teacher with the materials for his work, leaving him free to use his own skill and judgment in the methods of instruction.

If the book shall meet the approval of the teachers, the authors will be fully repaid for the labor they have undergone, by the consciousness that they have been permitted to aid in the work of instructing the youth of Tennessee in the history of their State.

SUGGESTIONS TO TEACHERS

FOR USING THE BOOK.

The Introductory Chapter is not suited for recitation. It contains so many names, dates, and subdivisions that the pupil would be overtaxed and discouraged, if required to commit them to memory in one lesson.

This chapter is intended to serve two purposes, both of which are valuable in teaching history. *First*—It is an outline sketch in advance of Part I, and points out its connection with Part II. *Second*—It is an abstract for future reference.

The following plan is recommended for using this chapter :

On the first day, when the class has been organized, but no lesson has yet been assigned, let the pupils read the chapter in class, pausing at the end of each paragraph. Let the teacher comment on each paragraph as it is read, and on the whole subject when the reading is concluded. He should, also, notify the class that this chapter will be frequently cited, as the work progresses, and will be used as a guide during the entire course. Then assign the lesson for the next day, beginning with Chapter I.

The remainder of the book is a series of topics, especially adapted to topical recitation, but also suited to any method of instruction.

It will be noted that the topic discussed in each chapter is placed at its head in bold-faced type. Similarly, the subdivisions of the topic are placed in bold-faced type at the heads of the several paragraphs. These several topics and their subdivisions form a complete analysis of the subject, running through the book, and so arranged that each heading is at the place where it is needed for use, and so printed as to guide the pupil in studying the lesson, and to catch the eye of the teacher in conducting the recitation.

In addition, a topical analysis is placed at the end of each general division, as an aid for reference and review, and as an exercise for unifying the subject.

In judiciously conducting the topical recitation, the teacher is rewarded by the increased interest of the pupils, and by the elevation of the recitation from a catechism to a discussion. This method of recitation is much better than the method of catechism. It inspires pupils to form enlarged and comprehensive views of historical subjects, and furnishes the best training for practicing them in clearness and fluency of expression.

It also frees the foot of the page from a list of questions which would only serve to annoy the competent teacher, and would lead the pupil to form the bad mental habit of picking up the subject in scraps, and would tend to leave in his mind a confused picture, disjointed into scattered fragments, like the view obtained in looking through a broken lens. The space thus released is utilized to a better

advantage by foot-notes, explaining the text, or giving references to books in which the subject is treated more in detail.

In many instances, it has been thought better to include in the text valuable information which the experienced teacher would not require pupils to commit to memory, but which it is important for them to know. For instance, in Chapter II, Paragraph 9, a list is given of the various modes in which the name of the Shawnees has been spelled. This list is too long for a foot-note, and would be lost in an appendix. It is placed in the text, but the skillful teacher would not require it to be committed to memory. He would use it as a means of varying the work of the class by requiring each pupil to bring the list in class written on slate or paper, or by sending a pupil to write the list on the blackboard, and then with pointer in hand, the teacher may demonstrate to the class the evolution of one form of the name from another.

The book is copiously illustrated with maps, charts, pictures, and portraits. The skillful teacher knows how to use them. They address the eye, and implant impressions which descriptive language is inadequate to convey. It will be a valuable exercise to require the class to draw a few of the maps, or charts, which illustrate subjects which the teacher may desire to impress upon the memory of the pupils; for instance, the map on the Indian Treaties, or the map showing the condition of the public lands at the date of the compact of 1806, by which Tennessee acquired the right to dispose of the lands north and east of the Congressional line.

HISTORY OF TENNESSEE.

INTRODUCTORY CHAPTER.

The beautiful State which we love under the name of Tennessee, has, at different periods of its history, been known by many other names. Some of these names have been applied to the entire State, and others to large portions of it.

NAMES GIVEN BY THE INDIANS.

Natchez.—It is thought that many years before the discovery of America, Tennessee formed a part of the territory of the Natchez Indians, and was known by their name. The Natchez were expelled by the “red Indians of the North” before the country was settled by the whites, and very little is known about them.

The Chickasaw Country.—After the expulsion of the Natchez, the western portion of Tennessee was occupied by the Chickasaws, and was known by their name. The Chickasaws remained in West Tennessee long after its settlement by the whites.

The Cherokee Country.—About 1623 the Cherokees took possession of the eastern portion of the State, and gave their name to that romantic section. They retained their possessions long after the settlement by the whites.

The Hunting Grounds.—After the expulsion of the Natchez from Tennessee, the Iroquois, or Six Nations, claiming that their ancestors had conquered the country, held Middle Tennessee, with portions of Alabama and Kentucky, as their national park. They designated this park by an Indian word which means “Hunting Grounds.” The white settlers called it “The Hunting Grounds.”

The Shawnee Country.—At a later period, the Shawnees occupied the Hunting Grounds of the Iroquois for a short time, and Middle Tennessee was known by their name, which is still retained by Sewanee Mountain.

Kentucky.—This name was applied by the Indians to the entire region included between the Ohio and Tennessee rivers and

the Appalachian Mountains. This country is nearly in the form of a circle. Historians differ as to the origin of the name. It is generally believed that the Shawnees gave the name, Kentucky, which means "the dark and bloody ground," to the country in which they waged such fierce warfare and sustained such fearful losses during their brief residence.

SPANISH NAME.

Florida.—In the contest between the European nations for the possession of America, Spain, France, and England each claimed Tennessee. Spain included it in her province of Florida.

FRENCH NAMES.

New France.—France explored a portion of the State, established trading posts at Memphis, Nashville, and other points, and included Tennessee in her province of New France.

Louisiana.—When France reorganized the form of government for her American possessions, Tennessee was included in her province of Louisiana, so named in honor of Louis, *Le Grand*.

ENGLISH COLONIAL NAMES.

Virginia.—From 1584, when Sir Walter Raleigh began the colonization of America, to 1663, Tennessee was a part of the colony of Virginia—a period of seventy-nine years.

Carolina.—When Virginia was divided in 1663, Tennessee became a part of Carolina, and so remained until 1693—a period of thirty years.

North Carolina.—When Carolina was divided into two provinces, Tennessee became a part of North Carolina, and so remained until 1790. During this period its settlement by Europeans began. Previous to 1763, Tennessee had not been settled by the whites, and was almost unknown to them, although successively included within the charter limits of the English colonies above named, and also claimed by Spain and France. After the "First Treaty of Paris," in 1763, the title of England was established by treaty, and a flood of immigrants began to pour in. These settlers established independent communities, and gave new names to different portions of the State.

Watauga.—Settlers in the eastern portion of the State from Virginia and North Carolina, in 1772 organized an independent gov-

ernment, and adopted the famous "Articles of the Watauga Association." This was the first written constitution adopted west of the Appalachian Mountains, and the first constitution made by native Americans.

NAMES OF TENNESSEE AS A PART OF THE UNITED
STATES.

Washington County.—The settlers of Watauga had emigrated west mainly to escape the rule of the British colonial governors. They were uncertain whether their new home was within the charter limits of Virginia or North Carolina. They availed themselves of this uncertainty and of their remoteness from the seats of government to hold aloof from either colony. When the breaking out of the Revolutionary War, in 1775, afforded the prospect for freedom from British rule, the hearts of the Watauga settlers turned to their old friends and neighbors who were fighting the battles of the Revolution on the Atlantic coast. They tendered their sympathy and aid. They organized themselves into a military district called Washington, which was the first geographical division named in honor of the Father of his Country. Having discovered that they were located within the charter limits of North Carolina, they applied for recognition from that State. In compliance with this petition, the Legislature of North Carolina, in 1777, erected the county of Washington, with the boundaries which now include the State of Tennessee.

Cumberland.—In 1780 the settlers on the banks of Cumberland River organized an independent government under articles of agreement, entitled the "Cumberland Compact." Fortunately this Compact has been preserved, and is a model of government suited to pioneer life. The middle portion of the State was popularly called Cumberland for many years.

Frankland, or Franklin.—In 1784 the eastern portion of the State attempted to form an independent government. Historians differ as to the name. Judge Haywood, "the father of Tennessee history," calls it *Frankland* (the land of the free). Later historians call it Franklin. It is certain that the convention which assembled at Greeneville, November 14, 1785, adopted the name *Franklin*. The "State of Franklin" came to an end in 1787.

Southwest Territory.—In December, 1789, the Legislature of North Carolina passed the act ceding Tennessee to the United States. February 25, 1790, the deed of cession was presented to

Congress and was accepted April 2, 1790. An act for the government of the territory was passed by Congress May 26, 1790. The territory was styled in legislation "The Territory of the United States South of the River Ohio"; but was popularly called the Southwest Territory. William Blount was appointed governor, and Knoxville was the Territorial capital. For a period of six years Tennessee remained in territorial apprenticeship.

Tennessee.—In 1796 the Southwest Territory became a State, State, being the first State erected out of the United States Territory. The beautiful name, Tennessee, is said to have been proposed by Andrew Jackson. Let us hope that it will be the last of our many names, and let us echo the memorable prayer of Blackstone and Father Paul, *Esto perpetua*.

Divisions of the Subject.—Our history is thus divided into two parts, as follows:

PART I.

The history of Tennessee from the earliest times to the date of its admission as a State of the Union, June 1, 1796. Part I embraces three divisions:

(1) *Aboriginal History*; including sketches of the Indian tribes who resided within the limits of the State, or were connected with its history.

(2) *History of the Colonial Relations*; extending from 1584, when the English colonial system began, to 1763, when the First Treaty of Paris established the claims of England; and including the colonial relations of Tennessee to foreign claimants, and to the English government, and as part successively of Virginia, of Carolina, and of North Carolina.

(3) *The History of the Settlement of the Country* by the whites to the date of its admission as a State.

PART II.

The history of Tennessee from its admission into the Union, 1796, to the present time. This part is also treated in three divisions:

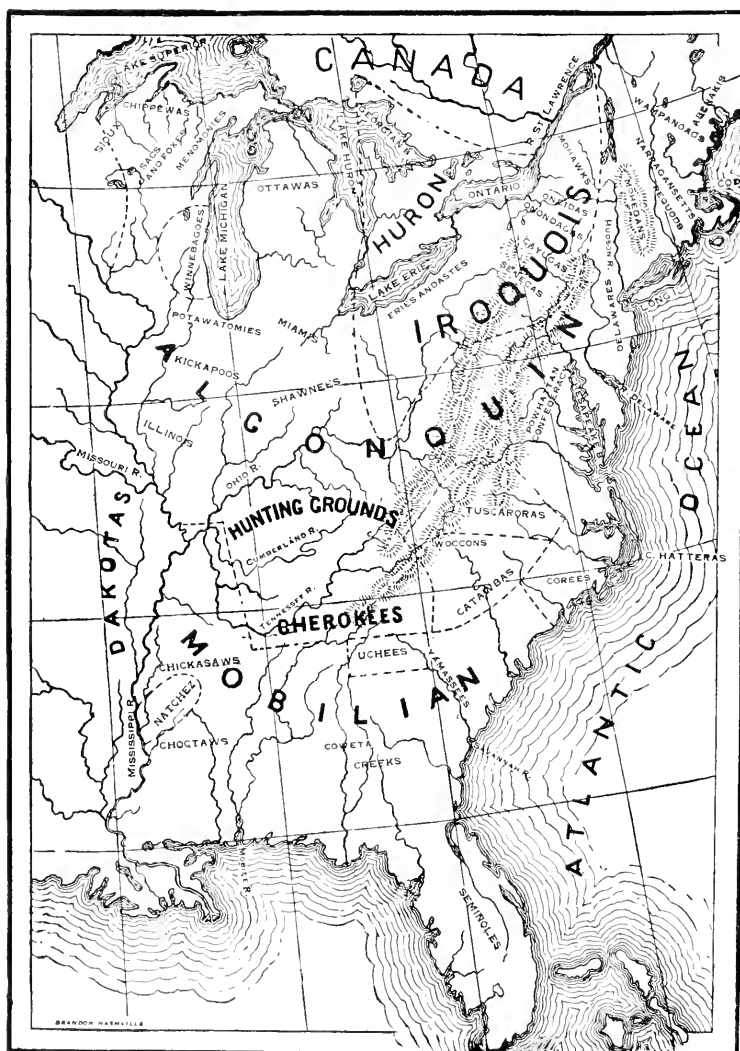
(1) *Tennessee under the Constitution of 1796.*

(2) *Tennessee under the Constitution of 1834.*

(3) *Tennessee under the Constitution of 1870.*

PART I.

THE HISTORY OF TENNESSEE FROM THE EARLIEST
TIMES TO THE DATE OF ITS ADMISSION
AS A STATE, JUNE 1, 1796.



INDIAN RACES EAST OF THE MISSISSIPPI RIVER.

DIVISION I.

ABORIGINAL HISTORY.

CHAPTER I.

THE INDIANS.

1. **Indian Races.**—Four races of Indians, distinct from each other in characteristics and appearance, lived east of the Mississippi River when Columbus discovered America, viz.: the Esquimaux, the Algonquins, the Iroquois, and the Mobilians. The Esquimaux dwelt in Labrador and the extreme northern part of America. They have no connection with Tennessee history. The Algonquins occupied the entire country from the Carolina line north to the country of the Esquimaux, except a small territory around the great lakes. The Iroquois, or Five Nations, occupied a small area around Lakes Ontario and Erie and touched Lake Huron. The entire territory from the northern boundary of Carolina southward, except portions of Middle Tennessee and North Alabama, was occupied by the Mobilians. These races were subdivided into various tribes. These should be studied and located on the map.¹

2. **The Mobilian Race.**—Although the history of Tennessee has been influenced by the Iroquois race, and by the Shawnee tribe of the Algonquin race, and by other Indians, yet the most important Indian relations of the pioneers were with the tribes of the Mobilian² race, or the Appalachian race, as they are sometimes called. The principal tribes of this race were: the Cherokees, the Chickasaws, the Creeks, the Choctaws, and the Seminoles. The Chickamaugas are generally classed as a branch of the Cherokees, but are sometimes treated

¹Much has been written on this subject, little positive is known, and accounts are vague and contradictory. Still it is an interesting subject of investigation. See Johnson's Cyclopedia, American Indians; Reports of U. S. Bureau of Ethnology; Schoolcraft; any good cyclopedia, etc.

²See Roosevelt's "Winning of the West," Vol. I., Chapters 3 and 4.

as an independent tribe. There were many other Mobilian tribes, but they had little connection with Tennessee history.¹

THE NATCHEZ.

3. Were They Aborigines?—Before studying the history of the Mobilian tribes, with which the early history of Tennessee is intimately connected, let us briefly examine into what is known of the Natchez. We find that very little is known. It is conjectured by ethnologists that the Natchez, if not the aborigines of Tennessee, were the first inhabitants of whom we have any trace. All knowledge of their early history rests upon vague Indian legends, inferences drawn from accounts of the expedition of DeSoto in 1540, and of other explorers, together with such interpretations as may be placed upon various mounds and relics which have been discovered.

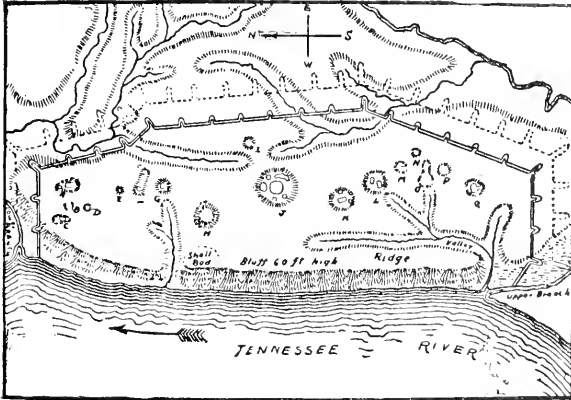
4. Theories about the Natchez.—Various theories have been advanced by speculative writers. The most plausible of these theories is, that America was peopled by immigrants from Asia and Europe, arriving at various times in the remote past. One wave of Indian migration starting from the Southern Pacific coast moved northeast, another wave starting from the neighborhood of Behring Strait moved southward, and possibly other waves starting from the Middle Pacific coast moved east. It is supposed that these waves of Indian migration met somewhere along the banks of the Mississippi or the Ohio rivers, where a fierce conflict ensued. According to this theory, the Natchez were the advance guard of the Southern Indians. They crossed the Mississippi and occupied the country from the Iberville River in Louisiana up to the Wabash River in Indiana, and extended eastward to the Alleghany Mountains. There is no evidence to show how long they occupied this territory. They were invaded by "the red Indians of the North," and after a fierce conflict were driven southward, a small remnant of the race retaining a foot-hold along the eastern bank of the Mississippi, and are now nearly extinct.

5. The Mound Builders.²—In many portions of the State mounds

¹In the limits of North Carolina, of which Tennessee was a part, there were many Indian tribes, viz.: the Catawbias, the Tuscaroras, the Meherrins, the Machapungoes, the Pasquotunks, the Tuteloes, the Mohenens, Caronines, the Saponies, the Toleras, the Keyawies, the Curratukes, the Pamlicoos, the Mattamuskeets, the Chowanches, the Marattas, the Mangoes, the Corees, the Weapomeas, the Chesopians, and others. See Ramsey's *Annals*, pp. 73-87; Moore's *School History of North Carolina*, pp. 13-16; Monette, Adair, etc.

²Thruston's *Antiquities of Tennessee*, Chapters 1 and 2, and authorities therein quoted; *American Historical Magazine*, Vol. I., pp. 253-257 (July No. 1896).

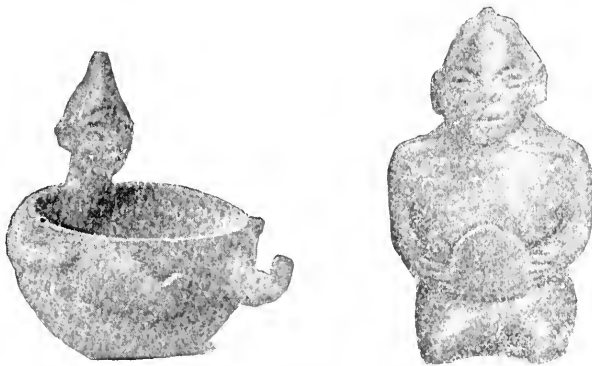
of curious shape, and other remains have been discovered which bear the evidence of great age, and of civilization beyond that of the Mobilian tribes who occupied the country at the advent of the white settlers. Some of these mounds, especially those in the shape of a cone, are thought to be structures for observation or residence; other



EARTH WORKS AT SAVANNAH.¹

mounds were undoubtedly places for the burial of the dead. The superstition of the Indians led them to deposit in the grave of the dead warrior many of his personal effects. These relics consisted of pipes, weapons, domestic utensils, ornaments and other articles.

These relics not only show a greater degree of skill than the Mobilian or Algonquin tribes possessed, but also evince characteristics different from those of the Mobilians, or Algonquins. These last named races were, indeed, superstitious, but their religion was a spiritual religion, and was a part of their daily lives. Different from other sav-



INDIAN STONE IMAGES.¹

¹From Thruston's Antiquities.

ages, they did not worship idols, nor build temples, and they erected no human monument as an emblem of their faith.¹ On the other hand, the moundbuilders erected mounds and graves of permanent structure, containing relics which, taken in connection with vague legends, indicate a somewhat superior race, which used emblems of religion and had acquired a certain degree of skill in mechanism. Such evidences incline recent ethnologists to believe that the Natchez were a branch of the mound-building race.

THE IROQUOIS, OR FIVE NATIONS.²

6. A Model of Government.—The Iroquois race lived around the Great Lakes, and its tribes were united in a confederation, known as the Five Nations. This confederation consisted of the Mohawks, the Senecas, the Cayugas, the Onondagas, and the Oneidas. At a later period the Tuscaroras were admitted, and the confederation became known as the Six Nations. They were the best governed and the most powerful of all the Indian peoples. Their government was the first confederated republic in the world, and is similar to that of the United States. They were especially proud of their form of government, often recommending it to the British colonies. Schoolcraft relates that Connossatego, an Iroquois Sachem, at the Lancaster Conference in 1774, explained the Iroquois system to the commissioners of Pennsylvania, Virginia, and Maryland, and advised them to adopt a similar form.

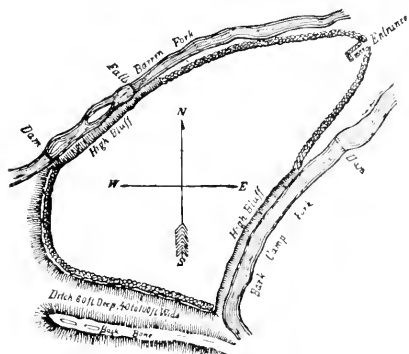
7. The Hunting Grounds.—The Iroquois claimed that their ancestors had conquered a large portion of Kentucky and Tennessee. Possibly their ancestors were the "red Indians of the North" who had expelled the Natchez.³ By virtue of this claim, they held possession of all the country between the Ohio and Tennessee rivers and Appalachian Mountains, forming an area, somewhat circular or elliptical in shape, and including Middle Tennessee, with portions of North Alabama and Kentucky. This magnificent country they constituted

¹Some recent investigations indicate that mounds were built by some of the Mobilian races, even within historic times. This, however, is not a general characteristic of the race.

²Haywood, p. 88; Ramsey, pp. 73-77; Schoolcraft, Vol. III., pp. 183 *et seq.*, Vol. V., pp. 631-646.

³All accounts of the title on which the claim of the Iroquois rested are vague. It is certain that they made an indefinite claim, which they conveyed in the treaty at Fort Stanwix.

their national park, or Hunting Grounds. They forbade, under pain of their mortal enmity, any residence or encroachments upon this



OLD STONE FORT NEAR MANCHESTER.¹

territory, and appointed the Cherokees on the east, and the Chickasaws on the west as guardians of their park. It was one of the most fertile and best watered tracts in America, and abounded in fish and game of every kind. No country could be better suited to delight the heart of the savage. The Indians considered it too good to be spoiled by settlements, and thus the white immigrants found this beautiful country

uninhabited and awaiting the pioneer.

CHAPTER II.

THE INDIANS—(Continued).

THE SHAWNEES.

8. **Their Vicissitudes.**—All pupils should learn the romantic story of these "Gypsies of the Forest," and all Tennessee pupils especially should study the pathetic history of that branch of the tribe which lived for a short time in Tennessee.² The Shawnees were a tribe or nation of the Algonquin race. They were at one time powerful and prosperous. Their roving disposition led them to separate into many branches, which resided temporarily in localities far apart from each other. Different portions of this tribe, at different times, resided in nearly every part of the United States except in the extreme Northeast and the extreme Southwest. One branch resided, for a short time, in Middle Tennessee. The history of the tribe is little

¹From Thruston's Antiquities.

²Drake's History of Tecumseh; Eggleston's History of Tecumseh; any good cyclopedia; Reports of U. S. Bureau of Ethnology; Ramsey; Thruston's Antiquities; Imlay's America, pp. 290-294, 362, *et seq.* Imlay wrote in 1797, and gives much interesting information about the Indians, the several items being scattered through the 598 pages of his book. They can be gathered by referring to the Index.

more than an enumeration of adventures and disasters. Brave, energetic, and aggressive, they were nearly always unfortunate, but always undismayed. Though unlucky in many respects, they were peculiarly unlucky in the spelling of their name.

9. Their Many Names.—The Indians had no system of spelling or writing, and no fixed standard of pronunciation. Thus, the pronunciation of their tribal names differed widely even among themselves. The different European nations with whom they came in contact pronounced and spelled the names in accordance with their several ideas of sound and spelling. The stationary tribes, who were thrown with only one nation, or with only one colony of that nation, were designated by names to which a uniform pronunciation and a fixed spelling became attached. With the roving or widely scattered tribes the case was different. As the several divisions of the tribe attracted the attention of different colonies of the same European nation, their names were spelled *impromptu* by people far apart from each other, and who were often not expert in spelling. The confusion was increased when the divisions of the tribe were so far apart as to encounter the explorers or settlers of the different European nations. English, French, and Spanish caught the sound differently and spelled it differently. The Shawnees, being the most restless, roving, and widely scattered tribe of all the Indians, suffered more than all others in this respect. Their name has been written: Shawnees, Shawanese, Shawaneti, Shawenu, Shawanoes, Sewanees, Suwanees, Sawanos, Suwannoes, Savanoes, Savannahs,¹ Satanas, Santanas, Chauvanon, Chauvanon, Chouanon, Chowan, Showan, Cheavanoes, besides other variations of the same stem-word. In addition to this, divisions of the tribe have been designated by names which bear no apparent etymological relation to the tribal name; viz.: Yemasses, Massawomies, etc.

10. One of Their Peculiarities.—They had a fondness for giving their name to rivers, mountains, and localities. Perhaps, more names of the natural features of the country and of localities, remain as mementoes of this tribe than of any other Indians. It may interest the pupil to take a map of the United States, a good gazetteer, and an official post-office guide, and from these, in connection with the various Shawnee names enumerated above, to make a list of all the places in the United States to which the Shawnees have given one or another

¹Report U. S. Bureau of Ethnology, 1890-91, pp. 693, *et seq.*; *Ibid.*, 575-586; Drake's History of Tecumseh.

of their various names. The pupil will not, of course, fail to note Sewanee Mountain, Sewanee town, and Shawnee or Chauvanon River (now Cumberland), in Tennessee.

11. The Tennessee Branch.—Historians have been unable to assign the date when the Shawnees settled in Tennessee, and differ in their accounts of the place from which they came, the causes of their removal, the duration of their residence, and the circumstances connected with their final expulsion. From the best available evidence, it would seem that they came to Tennessee after the advent of the Cherokees, and previous to 1681. They settled in the uninhabited Hunting Grounds of the Iroquois, along the banks of the Shawnee (now Cumberland) River, and probably occupied Sewanee Mountain and other stations. They were expelled by the Cherokees and Chickasaws in conjunction with the Iroquois, and left the Hunting Grounds again uninhabited. The expulsion occurred, perhaps, about the year 1714. Among the many legends connected with this branch, the following seems plausible :

12. A Legend of the Shawnees.¹—The principal portion of this tribe dwelt south of the famous Iroquois, or Five Nations. They did not prove to be congenial neighbors. After many quarrels and conflicts, the Iroquois moved against them in force, and defeated them in a terrible battle. The Shawnees abandoned their homes, and retreated southward in search of a new place of residence. Upon arriving at Cumberland Gap, they halted for rest and consultation. At the council which was held, one party favored entering into the uninhabited National Park, or Hunting Grounds of their old enemies, the Iroquois, through the gateway of Cumberland Gap, which stood invitingly open. The other party, fearing the vengeance of their dreaded foes, insisted upon seeking a safer asylum further south.

The tribe finally decided to separate. One portion continued south to Georgia and Florida, occupying the country between the two rivers to which they gave their names, the Suwanee² and the

¹This is a floating legend which rests upon no reliable evidence. It is not accepted by the authorities. If true, it would account for some facts for which the *authorities* give no satisfactory explanation.

²Mr. S. G. Boyd, in his excellent work on Local Indian Names, gives the name of Suwanee River in Florida as derived from the Creek word *sawani*, which means *echo*; and Suwanee River means "Echo River." This seems far-fetched. The Shawnees or Suwanees dwelt along the banks of this river, and indulged their



INDIAN ARROW
HEAD.

Savannah.¹ The former name has become famous in the beautiful negro melody, "Way down upon de Swanee Ribber." The other portion determined to brave the anger of the Iroquois, and immediately took possession of the Hunting Grounds. The Cherokees and Chickasaws, as guardians of the Park, served on them notice to quit. Upon the refusal of the Shawnees, war was declared. In many bloody engagements, the Shawnees made good their defense, and repulsed their assailants. The Iroquois were at this time engaged in a war nearer home.

13. The Expulsion.²—Finally, a combined attack was made upon the intruders by the Cherokees and Chickasaws, aided by the Iroquois. The Shawnees were routed, and this portion of the tribe nearly annihilated. Some writers state that the survivors were intercepted in their flight by the Iroquois, captured and divided among their several nations as slaves. Other historians state that the survivors joined some of their comrades who had settled in Kentucky, and together with them removed to Indiana, where they united with another portion of the tribe who lived along the banks of the Wabash. The expulsion of the Shawnees closed their connection with Tennessee history, and left the Hunting Grounds again uninhabited.

14. The Uchees.—The Uchees were a tribe of Indians who at one time lived in Tennessee, but who, like the Natchez and Shawnees, were not within the limits of the State at the date of the arrival of the English settlers. Very little is known of the Uchees. They once lived in East Tennessee, were defeated by the Cherokees, and

propensity to give their own name to the stream. Some experts in Indian names adhere to the theory, that Suwanee is a corruption of the Spanish name, San Juan.

¹ Mr. Boyd also thinks that the name Savannah was derived from the Spanish word, *sabana*, meaning a meadow, prairie, or plain. It is much more probable that the name was derived from the name Satanas or Savannoos, by which that branch of the Shawnees were known, who dwelt along the banks of the river. See Annual Report, Bureau of Ethnology, 1890-91, pp. 693, *et seq.*

² Whatever vagueness may attach to the manner and date of their arrival, the length of their residence, and the circumstances of their expulsion, it is historically certain that they were expelled.

subsequently disappeared. They exercised no influence in the history of Tennessee.

15. The Choctaws.—This Mobilian tribe lived south of Tennessee, and exercised but little influence in the affairs of the pioneers. The name of the tribe, however, is sometimes mentioned in connection with the pioneer history.

16. The Seminoles.—This Mobilian tribe lived in Florida. It had no connection with the pioneer history of Tennessee, but had an important connection with the history of the State at a later period.

17. The Creeks.—This tribe belonged to the Mobilian race, and lived south of Tennessee. Roving bands belonging to this tribe temporarily dwelt along the borders, and frequently invaded the Cumberland settlements. Under their famous chief, McGillivray, they were formidable enemies to the pioneers of the Cumberland. When we enter on the colonial history, frequent mention will be made of the Creek, or Muskogee warriors.

18. The Cherokees.—The Indians of this tribe were the formidable foes of the Watauga settlers. They were fierce, vindictive, and warriors by nature. They resented the intrusion of the white pioneers, and contested their encroachments in many sanguinary conflicts, running through the entire colonial history of Tennessee, until their power was finally broken by the great "Indian fighter," John Sevier. It is generally supposed that the Cherokees removed from the neighborhood of the Yadkin and Catawba rivers to East Tennessee about 1623, although the date can not be positively stated. The main body lived in Tennessee along the mountains of the eastern border. A portion of the tribe, called the Chickamaugas, lived along the southern border, partly in Tennessee and partly in Georgia, their principal station being near Chattanooga. The Cherokees will be often mentioned in connection with colonial history.



SEQUO-YAH, AUTHOR OF CHEROKEE ALPHABET.

19. The Chickasaws.—The Cherokees and Chickasaws were the two tribes resident in Tennessee at the advent of the white settlers.

These two tribes and the Creeks, who were non-residents of Tennessee, were the Indians with whom the pioneers had to deal. There is no positive information as to the time when the Chickasaws settled in Tennessee, or where they came from. It is supposed that they came from the West.¹ They claimed all of West Tennessee between the Mississippi and Tennessee rivers, north to the Ohio River, and portions of Mississippi, south to the country of the Choctaws. They were peaceful in disposition, but were gallant warriors, and were uniformly victorious over such Indian enemies as ventured to attack them. They were consistent and useful friends and allies to the Cumberland settlers. We shall have frequent occasion to mention them when we come to the colonial history.

20. The Removal.—Finally, the Cherokees, Chickasaws, and Creeks ceded all their lands to the whites, and, together with all the Southern tribes, were removed to the Indian Territory across the Mississippi River, where they have made remarkable progress in civilization, and have become the richest nations of the world in proportion to population.²

¹Schoolcraft, Vol. I., pp. 309, *et seq.*

²In addition to the general references heretofore given, the student may refer to Haywood's *Aboriginal History of Tennessee*. This book, however, is so rare as to be practically inaccessible. Haywood's *Civil and Political History* has been reprinted by the Methodist Publishing House, and may be easily obtained. All the page references to Haywood refer to the reprint. The great *thesaurus* of Indian history is the extensive work of Schoolcraft. The latest theories and most accurate information are found in the Reports of the United States Bureau of Ethnology. Much information may be found in the cyclopedias, under the appropriate heads. Ramsey, Putnam and Thruston furnish valuable information. See *American Historical Magazine*, Vol. 2, pp. 103-112 (April Number, 1897); *Ibid.*, pp. 139-146; *Ibid.*, Vol. 4, p. 304 (October Number, 1899).

TOPICAL ANALYSIS OF DIVISION I.

THE INDIANS.

1. THE RACES EAST OF THE MISSISSIPPI RIVER.—The Esquimaux; the Algonquins; the Iroquois; and the Mobilians, or the Appalachians.

2. THE MOBILIAN RACE.—Their principal tribes. Influence on settlement of Tennessee.

3. THE NATCHEZ.—Their history legendary. Theories. Occupied parts of Tennessee. Expelled by Red Indians of the North.

4. THE MOUND BUILDERS.—Their relics show skill. Various theories with reference to them.

5. THE IROQUOIS.—Lived near the Great Lakes. Their government. Their hunting grounds.

6. THE SHAWNEES.—Their vicissitudes. Their many names. Their fondness for giving their names to natural features. Take possession of the Hunting Grounds. The Shawnee legend. The expulsion.

7. THE UCHEES.—Little known of them. Left Tennessee before the advent of the pioneer.

8. THE CHOCTAWS.—Lived south of Tennessee. Had little influence on early settlements.

9. THE SEMINOLES.—Lived south of Tennessee. Had no connection with its history until a later period.

10. THE CREEKS.—Lived south of Tennessee. Were inveterate and formidable enemies of the pioneers.

11. THE CHICKASAWS.—Occupied western part of Tennessee. Were peaceful and brave. Became warm friends of the pioneers.

12. THE CHEROKEES.—Lived in eastern part of Tennessee, part of the tribe extending south. The Chickamaugas. Hostility to the pioneers.

13. The removal of the Southern Indians.

DIVISION II.

THE COLONIAL RELATIONS OF TENNESSEE FROM 1584 TO 1763.

CHAPTER III.

THE EUROPEAN CONTEST FOR POSSESSION OF AMERICA.

21. Importance of Contemporaneous History.—The thoughtless student is apt to suppose that the events which have taken place within the limits of the State supply all the information that is necessary to understand its history; that because the Atlantic Ocean rolls between us and Europe we have, therefore, no connection with European affairs. There could be no greater mistake. Humanity affects humanity wherever humanity exists, as the heavenly bodies reach each other through space and control each others' movements. The settlement and early history of Tennessee were dependent upon the condition of affairs in Europe, and no student of history can understand our pioneer era without studying the contemporaneous history of the period.

22. Spanish Claims.—Spain was the first claimant of the soil of Tennessee. In the fifteenth century Spain had grown to be the greatest power in Europe, by land and sea. In 1492, having completed the conquest of the Moors, Ferdinand and Isabella yielded to the solicitations of the Genoese navigator, and gave their sanction to the expedition which resulted in the discovery of America. Columbus landed at San Salvador, and claimed all the new and unexplored western world in the name of the Spanish sovereigns. Anxious to preclude all rivals, Spain procured an edict from the Pope, granting all the new world to Spain, as the discoverer. The authority of the Pope, supported by the power of Spain, was esteemed sufficient guarantee of the title, and seemed to mark America for Spanish settlement. But Providence willed it otherwise.

23. Spanish Explorations in Tennessee.—In May, 1539, Ferdinand DeSoto landed in Florida, and began his famous expedition which resulted in the discovery of the Mississippi River. In the accounts of this expedition, given by the followers of DeSoto, the rivers, villages, and localities are called by Indian names, which it is

almost impossible to identify. In the spring of 1541, DeSoto crossed the Mississippi near the Indian village of Chisca, which was situated on the Chickasaw Bluffs, where Memphis now stands. Thus, the Spaniards were the first of Europeans to enter the limits of Tennessee.¹ After the expedition of DeSoto the Spaniards were discouraged and inactive, and made no efforts to colonize or occupy that portion of their province of Florida now known as Tennessee. Yet Spain did not for many years formally abandon her claims, and even after she had been forced to cede them by treaty, the recollection of her former title led her to nurse hopes for recovering the country, and to enter upon a course of policy known as the "Spanish Intrigues," which produced important results on our early history.

24. Other Claims.—In the days of Columbus there were no newspapers, telegraphs, or telephones to herald the discovery of America over the world. The news spread slowly, but such an event could not be concealed. The nations of Europe, and especially England and France, turned covetous eyes to the new world, but they feared the power of Spain, and were compelled to be cautious. They sent explorers to examine the country, in order to lay the foundation for future claims, but they did not dare as yet to attempt possession. Important events must take place in the Old World before the destiny of the New World is decided. The power of Spain must be weakened by the Reformation and broken by the defeat of the Spanish Armada, and Europe must change front from the Mediterranean to the Atlantic before England and France can trust their ships on the ocean, and plant colonies in America.

25. The Effect of the Reformation.—The revolt of the Protestants, beginning in the Church, spread among the people, and at length caused a revolution in government. The Pope attempted to crush the Protestants, and Spain came to his aid with the whole of her immense power. The German States, aided by England, resisted bravely. The result was a series of fierce wars which drenched Europe in blood, and finally broke the power of Spain. Although Tennessee was then a wilderness, her future settlement hung on the issue of these European events. The student of Tennessee history will be well repaid by reading the books noted below,² and he will

¹ Ramsey's *Annals of Tennessee*, pp. 17 *et seq.*; Bancroft, Vol. I; Irving; Monette; also any good *Cyclopedia*, under head of DeSoto.

² Prescott's *Ferdinand and Isabella*; Robertson's *Charles V.*; Prescott's *Philip II.*; Motley's *Dutch Republic*.

arise from the perusal well informed on many European events which influenced the early settlement of America, and which can not be detailed in a school text-book.

26. Queen Elizabeth and Raleigh.—Queen Elizabeth of England had given mortal offense to the vindictive tyrant, Philip II of Spain, by rejecting his proposals of marriage, by espousing the Protestant cause, by aiding the revolt of the Netherlands, and by detaining as a prisoner Mary Queen of Scots, whose destruction she was even then contemplating. Foreseeing the inevitable contest with Spain, she lent a ready ear to the solicitations of her favorite, the gallant and sagacious Walter Raleigh. She determined upon the policy of inviting the conflict with Spain by asserting her claims in America, which had been allowed to slumber for more than eighty-six years. In 1583 she issued a patent to Sir Humphrey Gilbert, the half-brother of Walter Raleigh, empowering him to explore and colonize her American possessions. Here were sown the seeds of the great European contest for the possession of America.

27. English Begin Colonization.—Sir Humphrey Gilbert set sail with five vesels. He visited New Foundland, and on the return voyage lost his own life and four of his vessels in a storm at sea. In the next year, 1584, Sir Walter Raleigh obtained a new patent from the Queen, granting him all the land in America extending between the thirty-third and fortieth parallels of north latitude. He sent two vessels, under the command of Philip Armidas and Arthur Barlow, to explore the American possessions. This expedition came in sight of the coast of that portion of Virginia which is now North Carolina, on the fourteenth day of July, 1584, and anchored near Roanoke Island July 16. On this day the foot of the white man for the first time touched the soil of Virginia. After remaining a few days for the purpose of sending out exploring parties and trading with the natives, this expedition returned to England, taking with them two Indians, named Manteo and Wanchese. Raleigh was much gratified with the report of his explorers, which he represented to the Queen in glowing colors, and asked permission to name the country in honor of the virgin queen. The name Virginia was given to the whole country extending from the thirty-third to the fortieth parallel of north latitude, and stretching indefinitely to the west.¹ Basing her claim upon the exploration of

¹ Let the pupil point out these boundaries on a map of the United States.

the Cabots, in 1497 and 1498, Queen Elizabeth determined to colonize the country and maintain her title at all hazards.

28. Lane's Colony.—Raleigh having received the rank of knight from the Queen, and having his patent confirmed by act of Parliament, fitted out an expedition intended this time for colonization. On the twenty-sixth day of June, 1585, Sir Richard Grenville, in command of Raleigh's fleet of seven ships, reached the coast of America. He brought with him one hundred and eight colonists, with Ralph Lane as governor. This colony returned to England in the ships of Sir Francis Drake, June 19, 1586.

29. Governor White's Colony.—Other efforts of Sir Walter Raleigh to plant colonies along the coast of North Carolina resulted in failure. A colony was sent over which landed at Roanoke Island July 22, 1587, with John White as Governor. Here the first white child in America, Virginia Dare, was born August 18, 1587. Governor White went to England to secure supplies for the colony. Upon his return, in 1590, he found Roanoke Island abandoned, and no trace of his colony except the word, "*Croatan*," which was roughly carved on a tree. No trace of this colony has ever been found. Many theories have been advanced by modern writers. It was supposed at that time that the colony had either removed to a place called "*Croatan*," or had been massacred by the Indians. There is some reason to believe that they removed to the mountains of Tennessee. Will not some pupil who studies this book investigate the history of the "Lost Colony"?

30. The Spanish Armada.—The turning point in European history, which established the Protestant power in Europe, and decided the fate of America, was the defeat of the Spanish Armada in 1588. The Spanish power was broken on land and sea. England rapidly became "Mistress of the Seas." Her rights of discovery in America were now boldly asserted, and she prepared for extensive colonization.

31. Jamestown.—The first permanent English settlement was made at Jamestown in 1607. From this germ the settlement of Virginia began. Rapidly other English settlements were planted and

¹ The early settlements may be studied more in detail in the histories of North Carolina and Virginia, or in the larger histories of the United States. Valuable information may be obtained in any good Cyclopedia. Especially read Moore's School History of North Carolina.

grew apace. The grant to Virginia extended from the Atlantic to the Pacific, then called the "South Seas." Tennessee, although unexplored and unsettled, was thus included in Virginia, and is entitled to her share in the honor of the first legislative assembly in America and all the glorious colonial history of Virginia; for the ancestors of the Tennessee pioneers played the first act of the drama in the settlement of America.

CHAPTER IV.

THE CONFLICT OF TITLE.

32. The Three Claimants.—The general claim of Spain to the whole of America by right of the discovery of Columbus and by virtue of the decree of the Pope, had now come to be ignored by all nations. Her claims were recognized only to those portions of America which she had explored in advance of other nations. Her claim to Tennessee rested, therefore, on the explorations of DeSoto. As she was inert in prosecuting this claim, although she had not formally abandoned it, the contest narrowed down to England and France. England claimed it as a part of her colony of Virginia, but had never explored or occupied the country. France ¹ claimed it, at first, as a part of her province of New France, and subsequently as a part of her province of Louisiana. To examine the claim, let us take a short review of French exploration and colonization.

33. French Claims.—Although John Denys had explored the St. Lawrence in 1506; and Verrazani, in 1524, and Cartier, in 1535, had made explorations, France dared not take immediate possession. In 1562, a feeble effort was made by French Huguenots to plant a colony on the Atlantic coast within the French claim of New France, which overlapped the Spanish province of Florida. This effort was made not by the French government, but by a private expedition sent out by Admiral Coligny under Jean Ribaut, which made a short-lived settlement at Port Royal. Two years later, another French colony was established on the St. John River at Fort Caroline. This colony was

¹ Refer to any good history of the United States, and to the Cyclopedias. The subject is fully treated in Marbois' History of Louisiana, in Martin's History of Louisiana, and in Gayarre's History of Louisiana.

massacred by the Spaniards under Menendez. Although the French leader, De Gourges, inflicted summary vengeance on the Spaniards, yet France abandoned, for the time, all efforts of colonization, and England attempted none for many years.

34. French Begin Colonization After the Defeat of Spanish Armada.—In 1604, the French made a settlement at Port Royal. In 1608 Champlain founded Quebec, which was made the base of French operations. French soldiers were sent out to occupy the country. A flourishing trade was established with the Indians, the Jesuits were sent out to convert the natives to Christianity, and to win them to the control of France. It was claimed by France that the rights of England extended only from the coast to the Alleghany Mountains, including the country drained by the rivers which flow into the Atlantic. France claimed the entire valley of the St. Lawrence, and sent explorers along the lakes and along the country west of the Alleghanies.

35. French Explore the Mississippi Valley.—In 1673, in pursuance of the policy previously described, the French began their explorations along the Mississippi River. Marquet and Joliet descended the Mississippi and made maps of the country. They noted many Chickasaw villages, and especially noted the Chickasaw Bluffs. In 1682, La Salle made his famous voyage down the Mississippi, claimed the country for France, and named it Louisiana. He stopped at Chickasaw Bluffs, built a cabin and a fort, to which he gave the name "Prud homme," made a treaty with the Indians, and established a trading post. Thus, the French erected the first building in Tennessee. Other French trading posts were established among the Indians. Among these, was the post of M. Charleville, a French trader who built a store at Salt Lick on the Cumberland, where Nashville now stands.¹

36. The French Approach Tennessee from the West.—For a long time France and England maintained the struggle for possession of all the country extending from the Mississippi River to the Alleghany Mountains, embracing, of course, the present State of Tennessee. The French had been the most daring travelers, traders, and missionaries in the New World. They discovered the basin of the St.

¹ Marbois' History of Louisiana; Ramsey's Annals of Tennessee, 38, 39; Monette; any good history of the United States.

Lawrence, and were the first to explore the banks of the Mississippi.¹ Thus, they approached Tennessee from the west many years before the American pioneer had climbed to the top of the Alleghany Mountains from the east and prepared to descend into the Mississippi Valley.

37. The French not a Colonizing People.—They made little effort to settle the country. They mingled with the native population, and assumed, in a large measure, their manner of life. They hoped to hold the country for the sake of the Indian trade. To do this, they erected a powerful cordon of forts and trading posts, completely encircling the English colonies on the Atlantic coast. These they located, with marvelous wisdom, at Quebec, Detroit, Chicago, Pittsburg, St. Louis, Memphis, New Orleans, and Mobile, besides numerous other places varying in importance from Vincennes, on the Wabash, to the Old French Trading Post, at Nashville, on the Cumberland.

38. Progress of the English Colonies.—The English in the meantime, were colonizing the country from the Atlantic seaboard westward. The colonists were a daring and aggressive race of home-seekers. While clearing and cultivating their fields, erecting churches and schoolhouses, founding towns and cities, and developing trade and commerce in the older settlements, they were constantly pushing their frontiers further into the wilderness. Their vanguard had already reached the foot-hills of the Alleghany Mountains before the close of the long struggle between France and England for the possession of North America.

39. The English Build Counter Forts.—The garrisons and rangers from the French forts produced disaffection to the English among the Indian tribes. As early as 1734, the Province of South Carolina recommended that English forts be built among the Indians, to counteract the French influence. In 1755 Governor Glenn, of that Province, held a treaty with the Cherokees. He obtained from them a grant of land upon which to build two forts in their country. Soon after the cession he built Fort Prince George, on the headwaters of the Savannah, about three hundred miles above Charleston, and within gun-shot of an Indian town called Keowee.²

40. Fort Loudon Built.—In 1756, the Earl of Loudoun was appointed commander-in-chief of the army throughout the British

¹ Bancroft's History of the United States (Old Ed.), Vol. IV, pp. 457, 458.

² Ramsey's Annals of Tennessee, pp. 48-51.

continental provinces in America, as well as governor of the Province of Virginia.¹ Following up the concession to Governor Glenn, he dispatched Andrew Lewis to build the other fort at the head of navigation on the Little Tennessee River, in 1756. He located it on the south side of the river, within five miles of Chota, the home of the eloquent Cherokee chief, Oconostota. It was about thirty miles from the present city of Knoxville, and nearly one hundred and fifty miles in advance of any white settlement. It was called Fort Loudon² in honor of the first commander-in-chief of the army, and was garrisoned by a force of two hundred British regulars. This was the first structure erected in Tennessee by Anglo-Americans.³

41. Other Forts Built on the Frontiers.—Besides these forts in the heart of the Indian country, others were erected on the borders of the provincial settlements. North Carolina built Fort Dobbs under the shadow of the Alleghanies. Virginia built a fort on the New River, called Chissel, and another on the Holston, nearly opposite the upper end of Long Island, where Colonel Bird wintered in 1758. This latter fort, while for more than twenty years it was believed to be on Virginia soil, was really some distance south of its line, and was the second Anglo-American fort erected within the boundaries of Tennessee.⁴

42. Temporary Settlement of Fort Loudon.—Under the protection of these forts, the tide of emigration reached the base of the mountains that separate Tennessee from North Carolina. They also afforded the daring frontiersman an opportunity to gain some knowledge of the country beyond. A small settlement sprang up under the guns of Fort Loudon. It is probable that this would have been the first permanent settlement in the State but for an unfortunate affair that occurred immediately after the reduction of Fort DuQuesne.

43. Massacre of Fort Loudon.—The Cherokees had been the friends and allies of the English. They had volunteered to protect the American frontier south of the Potomac. Some of them marched with the army of the south to Fort DuQuesne. After that decisive engagement, they received little attention from their allies. Having lost their horses, the neglected Indians supplied themselves with such

¹ Bancroft's History of the United States (Old Ed.), Vol. IV, p. 228.

² Note the spelling. In Fort Loudon, the *u* has been dropped. The English nobleman in whose honor it was named was the Earl of Loudoun.

³ Ramsey's Annals of Tennessee, pp. 51-53, 66, 85.

⁴ Ramsey, p. 54.

as they found running at large, as they returned through the back counties of Virginia. The enraged backwoodsmen pursued and put a number of the offending warriors to death.¹ The result was, that while the victory of Fort DuQuesne brought peace to the northern frontiers, this distressing incident plunged the southern provinces into the horrors of an Indian war. Fort London was besieged and captured, its garrison was massacred, and the permanent settlement of the State was delayed for another decade.

44. The Treaty of Paris, 1763.—The battle of Fort DuQuesne was the last stand of France in her struggle for supremacy in America. It was followed, in 1763, by the treaty of Paris. By this treaty France surrendered to England her claim to all territory east of the Mississippi River, except the Isle of Orleans. From this time the sovereignty of England over the Mississippi Valley was undisputed.

CHAPTER V.

ENGLISH TREATIES WITH THE INDIANS.

45. The King's Proclamation of 1763.—The French, who had little desire for the lands of the Indians themselves, never failed to warn them against the encroachments of the English, who, they said, were determined to occupy their land, and dispossess them of the whole country. Accordingly, the Indians viewed every excursion into their hunting ground with dissatisfaction and jealousy. For the purpose of removing their apprehensions and quieting their discontent, King George issued a proclamation, October 7, 1763, prohibiting all provincial governors from granting land, and all British subjects from making settlements, west of the sources of the streams which flow into the Atlantic. It also prohibited all private purchases of land from the Indians.²

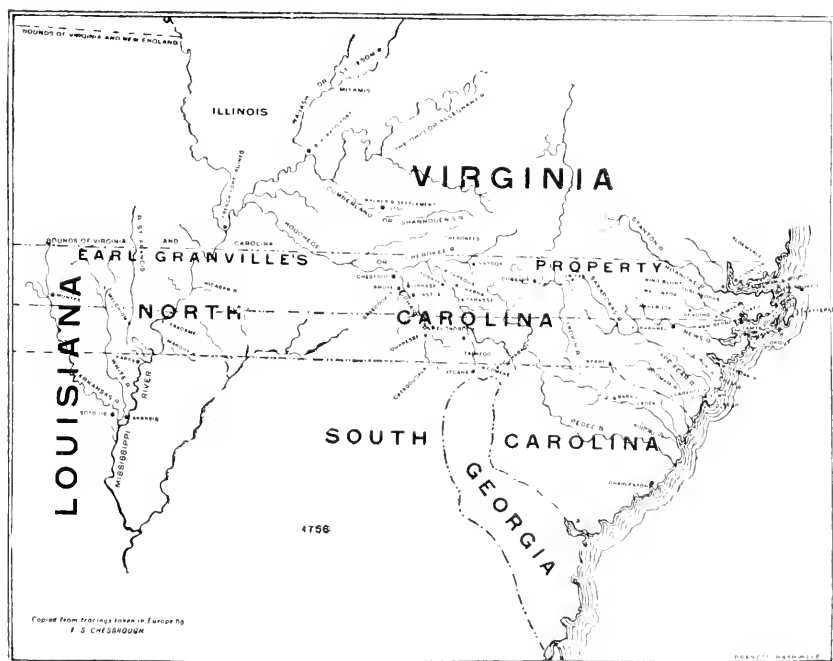
46. Treaty of Augusta.—For the purpose of apprising the Southern Indians of the change effected by the treaty of Paris, a congress was held with them, at Augusta, in November, 1763. There were present representatives of the Creeks, Cherokees, Catawbas, Chickasaws and Choctaws, on the one side, and the Superintendent of Indian Affairs for the Southern District, the Governors of the two Carolinas and Geor-

¹ Ramsey's Annals of Tennessee, p. 54; Bancroft's History of the United States (Old Ed.) Vol. IV, p. 341.

² Ramsey's Annals, p. 71.

gia, and the Lieutenant-governor of Virginia, on the other. After mutual explanations and promises, a treaty for the preservation and continuance of a fair and perfect peace and friendship, was concluded.¹

47. The King's Proclamation not Observed.—At the close of the year 1763, the boundary between the colonies and their Indian neighbors, was the line that divides the eastern from the western waters. But the peace that existed between them rendered the enforcement of the King's proclamation impractical, if not impossible. The frontiersmen who had seen something and heard much of the beautiful country beyond the mountains, were impatient to go in and possess it. They were accumulating in companies upon the border from the Monongahela to the Savannah. Their early descent in force upon the western waters was even then seen to be inevitable. At that time the geography of the country was imperfectly understood, as may be seen from the annexed map, taken from the tracing of an old map published



AN OLD MAP IN 1756, SHOWING INCORRECT IDEAS OF THAT TIME.

¹ Stevens' History of Georgia, Vol. II, pp. 26-29.

lished in Europe in 1756, and preserved in the archives of the Tennessee Historical Society. It shows no reason for the failure to observe the King's proclamation, but it testifies to the ignorance which then prevailed as to the geography of the country, and one of the obstacles in the accurate demarkation of treaty lines.

48. First Grant of Land in Tennessee.—The Holston River, at that time, was supposed to be the dividing line between North Carolina and Virginia. Already, June 20, 1753, John Buchanan had received a patent from Virginia for 1,250 acres of land, lying on the Indian River, in what is now Sullivan County, Tennessee. This is notable as the first grant ever issued to land in Tennessee. It was confirmed by the State of North Carolina in 1782.¹ After the proclamation of 1763, the Governor of Virginia continued to issue patents for lands, not only on the headwaters of the Tennessee, but on the Kanawha and Ohio as well.

49. Treaty of Hard Labor.²—The Indians were restive and uneasy. In 1767 the Cherokees asked the governor of North Carolina to have a dividing line run between the western settlements of that province and their hunting ground.³ The next year the Superintendent of Indian Affairs for the South, concluded a treaty with them at Hard Labor, in South Carolina, by which the southwestern boundary of Virginia was declared to be a line extending from a point about thirty-six miles east of Long Island of Holston to Chiswell's Mine on the Kenawha, and down that stream to its junction with the Ohio.³ But even then the settlements had penetrated beyond this line.

50. Treaty of Fort Stanwix.⁴—In the North, the Six Nations had the same fears and misgivings, with perhaps greater reason, that were entertained by the Cherokees. They had entered into a negotiation with the Superintendent of Indian Affairs about 1765, but it had been practically barren of results. In 1768, they demanded that the settlers be removed from their lands, adding that it had been a long time since they first complained of this grievance. The matter was presented to the King, and resulted in the treaty of Fort Stanwix, by which the Six Confederate Nations and their dependent tribes ceded

¹ Acts of 1782, ch. 16; Haywood & Cobb's Statutes, Vol. II, p. 25. Dr. Ramsey supposed a grant for 3,000 acres to Edmund Pendleton in 1756, in his possession at the time he wrote, was the oldest grant in this State, but the act referred to shows Buchanan's to be three years older. See Ramsey's Annals, p. 66.

² Ramsey's Annals, p. 73; ⁴ see Map of Indian Treaties.

³ Ramsey's Annals, p. 76.

to the Crown all the lands lying between the Ohio and Tennessee Rivers.¹ This was the first cession by Indians, of lands within the limits of Tennessee.

51. Indian Title to the Land Conveyed.—Learned arguments have been constructed to prove that the Six Nations owned the land they undertook to convey. It seems to have been forgotten, that less than a month before this transaction, the royal government itself had recognized the right of the Cherokees to the same territory, in the Treaty of Hard Labor. The fact is, no tribe occupied or held undisputed possession of it. The effect of the Treaty of Fort Stanwix was to convey the claim of the Six Nations in the land described. It did not prevent the Cherokees from setting up any claim they might have to it, inasmuch as they did not claim under the Six Nations. It was not improper, therefore, that the Cherokee claim should be recognized and fairly extinguished, notwithstanding the Treaty of Fort Stanwix.

52. Effect of the Treaties of Hard Labor and Fort Stanwix.—The Treaties of Hard Labor and Fort Stanwix had the effect to precipitate the flood of immigration that had been impending over the valleys on the western slope of the mountain. Some historians do not mention the former treaty in connection with this inundation, but it seems clear, so far as North Carolina and Southern Virginia are concerned, that it was much the greater factor of the two. It will be remembered that the line between Western North Carolina and Virginia was quite as shadowy as the Indian title itself. No man knew when he had passed from Virginia into North Carolina. Indeed, the first settlements made in Tennessee, were supposed to be in Virginia when made. Although the line fixed by the Treaty of Hard Labor did not include all existing settlements, still, it served to invite the backwoodsmen over the mountain, and once over, their progress could hardly be stayed by an imaginary line, even more definitely located.

53. The Treaty of Lochabar.—It was barely two years after the treaty of Hard Labor before Virginia held another treaty with the Cherokees, in order to purchase more lands on her southwestern frontiers. It was held at Lochabar, and was negotiated by Col. John Donelson, afterward distinguished in the settlement of Middle Tennessee. By that treaty, the southern terminus of the line was moved west thirty miles, so as to begin six miles east of Long Island of Holston. The northern terminus was moved west from Chiswell's Mine to the

¹ Butler's History of Kentucky, Appendix, p. 390.

mouth of the Kenawha. This line was west of the Watauga River, which was then supposed to be in Virginia, and, in consequence of the treaty, many pioneers settled lands on that river which they expected to hold by their improvements as first settlers, under the laws of Virginia. This treaty of Lochabar in 1770 marks the date of the first settlement south of the Holston River.

CHAPTER VI.

NOTABLE COLONIAL EVENTS IN WHICH TENNESSEE HAS AN INTEREST.

54. As a Part of Virginia.—As previously related, Tennessee was included within the limits of Virginia from 1584 to 1663, a period of 79 years. The country was unexplored and unsettled, and there is no evidence that the foot of any Englishman touched the soil of Tennessee during this period. The ancestors of the present Tennesseans, however, were living in Virginia and Carolina, and were preparing, even then, to push their settlements to the west, and to conquer the wilderness “across the mountains.” Tennesseans, as their descendants, inherit a share of their colonial history.¹

55. What Tennessee Inherits from Virginia.—Of the many famous events which occurred in Virginia while Tennessee was still within her limits, we can mention but a few.² The first white child, Virginia Dare, was born at Roanoke Island, August 18, 1587. The first permanent English settlement was made at Jamestown in 1607. The interesting events occurred which have thrown a halo of romance around the names of Capt. John Smith, Pocahontas, John Rolfe, Powhatan. In 1619 was held the first legislative assembly in America, and slavery was introduced. Ten years after the separation of Virginia and Carolina, in 1673, occurred Bacon's rebellion, which was the first armed resistance to British oppression. The importance of two of the events above named, demands their treatment in separate paragraphs.

¹ For Virginia, see the histories of the United States, and of Virginia. For North Carolina, see Wheeler's History, Moore's History, and Moore's School History.

² North Carolina, within whose limits Roanoke Island is situated, was then a part of Virginia.

56. The First Legislative Assembly.—Sir George Yardley, an English knight, has been called “The Father of Representative Government in America,” on account of the prominent part which he took in securing for the colonists the right of holding a colonial legislature composed of representatives elected by themselves. The colonists were governed by a commercial company composed of stockholders, who were then called “adventurers.” This company received a charter from King James I, under which they claimed Virginia, and established colonies, reserving the right to make the laws and to appoint all officers for the government of the colonists. Sir George Yardley was one of these stockholders, or “adventurers.” In 1609, he came over to Jamestown as one of the council appointed by the London Company. He was soon recognized as the friend of the colonists. In 1616, he became governor in the absence of Sir Thomas Dale. He was superseded by Capt. Samuel Argall in 1618, and went to England to represent the cause of the colonists. He was so successful in his mission, that the London Company voted to grant Virginia the right of self-government, and appointed Sir George Yardley as governor-general. He returned to Jamestown, and entered upon the duties of his office April 19, 1619. Early in June, he “sente his summons all over the country, as well to invite those of the council of Estate, that were absente, as also for the election of the Burgeses.” Then came the first general election. From each of the eleven boroughs, or hundreds, or plantations, two delegates, called Burgeses, were elected. July 30, 1619, this famous assembly convened in the old church at Jamestown, representative government was an accomplished fact, and Virginia kindled the torch of liberty in America. From such ancestors, the pioneers who settled Tennessee learned the value of self government, and, in later years, framed at Watauga the first government west of the Alleghany Mountains, and the first constitution made by native Americans.¹

57. Slavery.—In the same year, 1619, the first African slaves in America were bought by the colonists at Jamestown. It is frequently mentioned as a reproach to the South that slavery was introduced in a Southern Colony. The answer is ready. In 1619 there was no

¹ See American Historical Magazine, Vol. I, No. 1, pp. 3-21 (January number, 1896); Genesis of the United States, by Alexander Brown; The First Republic in America, Alexander Brown, chapter 24; Will of Sir George Yardley in American Historical Magazine, Vol. I, pp. 98-101 (January number, 1896).

English colony except Virginia. Slavery could not, therefore, be introduced in any other colony, for the reason that there was no other colony. In this year a ship, which is sometimes called a Dutch ship, landed at Jamestown with a cargo of slaves. From the best testimony, it was an English ship engaged in the Dutch trade, and, therefore, alluded to as a "Dutch ship." The unfortunate Africans, about twenty in number, were objects of pity. Confined in the hold of the vessel, and cruelly treated, their condition appealed to the sympathy of generous men. The humane heart of Sir George Yardley was touched. He bought some of them, and his colonists bought the remainder. The unfortunate Africans found homes and friends, and hailed their entrance into slavery with joy, perhaps more keen than that with which their descendants subsequently hailed their emancipation. Slavery subsequently spread to each of the thirteen colonies; the commercial sections becoming the dealers, and the agricultural sections the purchasers.

58. As a Part of North Carolina.—When Virginia was divided, in 1653, Tennessee became a part of Carolina, and so remained until 1693, a period of thirty years, when Carolina was divided, and Tennessee became a part of North Carolina.¹ It was a part of North Carolina when the first English settlements were made within its limits, and when its real history begins. North Carolina is, therefore, usually regarded as the parent State. Tennessee was a part of North Carolina when the Lords Proprietors attempted to enforce the famous Constitution of John Locke, in 1693. Pupils should examine this famous model of government. They will find a conspicuous example of the wisdom of their ancestors which was superior to that of the most renowned philosopher of his day. Tennessee shares with North Carolina in the honor of the battle of Alamance, fought May 16, 1771, which was the precursor of the Revolution; and in the glory of the Mecklenburg resolutions of May 20, 1775, the precursor of the Declaration of Independence; and in the glory of the battle of King's Mountain, the most picturesque of battles, and in other battles of the Revolution. Pupils should study the annals of our parent States, and treasure the history which Tennessee inherits.

¹ For charters see Ramsey, Haywood, etc., and Ben Perley Poore's Charters. Also see State Histories of Virginia and North Carolina.

TOPICAL ANALYSIS OF DIVISION II.

THE COLONIAL RELATIONS.

I. THE EUROPEAN CONTEST FOR POSSESSION OF AMERICA.

1. Importance of Contemporaneous History.
2. Spanish Claims.
3. Spanish Explorations.
4. Claims of England and France.
5. Effects of the Reformation.
6. Effects of Spanish Armada.
7. Queen Elizabeth and Raleigh.
8. English Begin Colonization.
 - (a) Lane's Colony.
 - (b) White's Colony.
 - (c) Jamestown.

II. CONFLICT OF TITLE.

A. *The Three Claimants; Prosecution of their Claims; French and English Active; Spain Inert.*

1. The French—
 - (a) Extent of their Claims.
 - (b) Begin Colonization.
 - (c) Explore Mississippi Valley.
 - (d) Approach Tennessee from the West.
 - (e) Not a colonizing people. Build forts and attempt to hold the country by military occupation.
2. The English—
 - (a) Progress of their Colonies.
 - (b) Build Counter-forts.
 - (c) Fort Loudon.
 - (d) Other Forts.
 - (e) Temporary Settlement at Fort Loudon.
 - (f) Massacre of Fort Loudon.

B. *Treaty of Paris, 1763, Decides the Contest in Favor of England.*

III. ENGLISH TREATIES WITH THE INDIANS.

1. The King's Proclamation of 1763.
2. The Treaty of Augusta, 1763.
3. The King's Proclamation not Observed.
4. The Treaty of Hard Labor, 1768.
5. Treaty of Fort Stanwix, 1768.
 - (a) Indian title to land conveyed.
6. Effects of Treaties of Hard Labor and Fort Stanwix.
7. Treaty of Lochabar, 1770.

IV. NOTABLE COLONIAL EVENTS IN WHICH TENNESSEE HAS AN INTEREST.

1. As a Part of Virginia—
 - (a) Virginia Dare.
 - (b) Early History of John Smith, Pocahontas, etc.
 - (c) The first Legislative Assembly.
 - (d) The Introduction of Slavery.
 - (e) Bacon's Rebellion.
2. As a Part of North Carolina—
 - (a) Constitution of John Locke.
 - (b) Battle of Alamance.
 - (c) Mecklenburg Declaration.
 - (d) King's Mountain and other Battles of the Revolution.

DIVISION III.

HISTORY OF TENNESSEE FROM THE TIME OF ITS SETTLEMENT BY THE WHITES TO THE DATE OF ITS ADMISSION AS A STATE.

CHAPTER VII.

THE PIONEER.

59. Anglo-American Excursionists Visit Tennessee.—Although Tennessee had been included as a part successively of three English colonies, yet none of them had thought it worth their while to explore or settle the country. The settlement was due to no concerted or governmental act, but to the agency of the most “unique and picturesque character of history”—the American pioneer. The term “pioneer” may be extended to include the first persons who explored or visited the country. It is especially used to designate those who made the early permanent settlements. While there had been no attempt at settlement, or permanent occupation by the English previous to the establishment of Fort Loudon, in 1756, yet there had been casual visitors, traders, hunters, and tourists, who had made excursions into Tennessee.¹ The names of many of these have been lost to history, but a few have been preserved by the early historians.

60. The Traders.—Perhaps the first English travelers who visited Tennessee were attracted by the hope of gain in trade. In 1692, a trader from Virginia, named Doherty, visited the Cherokees. In 1730, Adair, from South Carolina, made an extensive tour, visiting the Cherokees and other tribes. Dr. Ramsey says of Adair: “He was not only an enterprising trader, but an intelligent tourist. To his observations upon the several tribes which he visited we are indebted for most that is known of their early history. They were published in 1775.” In 1740 a party of traders from Virginia visited the Cherokees. This party employed Mr. Vaughan as packman. There were, doubtless, many other traders of whom history makes no

¹See Ramsey's *Annals of Tennessee*, pp. 62-77; Haywood's *History of Tennessee*, pp. 38-51; Monette, Adair, Imlay, Roosevelt's *Winning of the West*, Vol. I, pp. 101-165.

mention. Many advantages resulted from this irregular trade. It was found to be lucrative, and led to important results. The returning traders gave glowing accounts of the wonderful resources and fertility of the western country, and the abundance of game, which excited a lively interest among the eastern colonists.

61. The Hunters.—Following the traders, came the hunters, sometimes in company with a trading party, and sometimes in separate bands. Historians have recorded a few of these hunting excursions. "As early as 1748," says Dr. Ramsey, quoting from Monette, "Dr. Thomas Walker, of Virginia, in company with Colonels Wood, Patton, and Buchanan, and Captain Charles Campbell, and a number of hunters, made an exploring tour upon the western waters. Passing Powell's Valley, he gave the name of 'Cumberland' to the lofty range of mountains on the west. Tracing this range in a southwestern direction, he came to a remarkable depression in the chain; through this he passed, calling it 'Cumberland Gap.' On the western side of the range he found a beautiful mountain stream, which he named 'Cumberland River,' all in honor of the Duke of Cumberland, then Prime Minister of England." In 1760, a Virginia company of hunters, composed of "Wallace, Scags, Blevins, Cox, and fifteen others," spent eighteen months in a hunting excursion along Clinch and Powell rivers.



DANIEL BOONE'S TREE.

62. Daniel Boone.—In 1760 the famous Daniel Boone visited Tennessee at the head of a party of hunters. It is conjectured by Dr. Ramsey that this was not Boone's first visit to Tennessee, although it is the first that has come to the knowledge of historians. In testimony of this visit, Dr. Ramsey gives in his history an inscription cut by Daniel Boone on a beech tree, "standing in sight and east of the

present stage road leading from Jonesboro to Blountville, and in the valley of Boone's Creek, a tributary of Watauga." This tree and inscription is shown in the annexed picture, engraved from a photograph in the Tennessee Historical Society. There is no doubt of the genuineness of the inscription, but doubts have been expressed as to whether it was carved by Daniel Boone. Daniel Boone visited Tennessee again in 1771, and remained until 1774.¹ Many other hunting parties prepared the way for the advent of the pioneers of permanent settlement.

63. The First Negro.—In 1768² an expedition of hunters traversed the country from the banks of the Holston, in East Tennessee, to the Ohio River at the mouth of the Tennessee River, passing along the banks of the Cumberland River, and giving the name to Stone's River. The party consisted of Colonel James Smith, William Baker, Uriah Stone, for whom Stone's River was named, and Joshua Horton. The last-named member of the party, Joshua Horton, had with him "a mulatto slave," eighteen years old, whose name is not given. Judge Haywood states that Mr. Horton left this mulatto boy with Colonel Smith, who carried him back to North Carolina.³

64. The Approach of the Pioneer.—In 1763, the period of nearly five generations of men had passed since the settlement of Jamestown in 1607. A new generation now dominated the colonies who were Americans by birth, and distinctly American in thought, character, and habit. This differentiation in colonial character was, however, largely restrained by the influence of English governors, by constant contact with English laws and institutions, and by the influx of fresh immigrants who continued to pour in from the mother country. Along with this stream of immigrants came the "Scotch Irish." This latter element inherited the clannish spirit which prompted them to keep together. They early evinced the desire to found settlements in which they should be the controlling element. This tendency, together with their resolute character and adventurous spirit, constantly prompted them to move further west. Thus, the Scotch

¹Imlay, pp. 343, 344. See Imlay's Index, under "Boone." Francis Bailey, an Englishman, visited Tennessee and Kentucky in 1796-97, and wrote a journal of his travels. This journal was published in England in 1846, entitled "A Tour in the Unsettled Parts of North America." He gives an interesting account of the country, and records a meeting with Daniel Boone on the Ohio River.

²Haywood says it was in 1766, but as "the Indians had then lately ceded" their lands by the treaty of Stanwix, which was concluded in 1768, this expedition could not have been earlier than that date.

³See Haywood's Civil and Political History of Tennessee, p. 49.

Irish immigrants formed a large element in the vanguard of the western march of colonization, which their descendants continued to push further and further westward. This hardy band of pioneers was now ready to cross the mountains. The way had been prepared by the Treaty of Paris in 1763, by which the title of France had been ceded to England, and by the various Indian treaties above named.

65. The First Settlers in Tennessee Largely Scotch-Irish.—The Holston and Watauga were not colonized, as the Cumberland afterward was, by strong companies moving in concert, under organized leaders. Their first settlers came in single families or small parties, with no concert of action, and without any recognized leader. The Virginia frontiers had now reached the headwaters of the Holston River, and straggling immigrants followed that stream beyond the borders of the province, and formed the first settlements in Tennessee; supposing their settlements to be still in Virginia, some families even crossed the Holston. In 1769 or 1770, William Been,¹ originally from Pittsylvania County, Virginia, penetrated as far south as the Watauga, and erected a log cabin at the mouth of Boone's Creek, where his son Russell, the first native white Tennessean, was soon afterwards born. His settlement was greatly augmented by the arrival of small bands of Regulators, whom the tyranny of the royal governor had driven out of North Carolina. But whether they came from Virginia, North Carolina, South Carolina, or Pennsylvania, the first settlers of Tennessee were, in the main, the same type of people—an aggressive, daring, and hardy race of men, raised up in the faith of the Presbyterian Covenanter, and usually comprehended under the general designation of Scotch-Irish, that people forming their largest element.

66. Origin of the Scotch-Irish.—Ireland, in the time of Henry VIII, was so strongly Catholic that all the power of that monarch was not sufficient to establish the Episcopacy on the island. His effort to do so resulted in a long, bitter, and bloody war, which was not finally terminated until near the close of Elizabeth's reign. When it did close, the province of Ulster, containing nearly a million acres, was found to have been almost depopulated by its devastations. James IV, of Scotland, succeeded to the throne, and in him the two kingdoms were united. He conceived the idea of colonizing Ulster with Protestant subjects. These he chose chiefly from his old subjects, the

¹William *Been* signed his name as given in the text. His son, Russell, the first white child born in Tennessee, signed his name, Russell *Been*.

Scotch Covenanters, though many Englishmen settled in the southern part of the province.

67. Character of the Scotch-Irish.—These Scotch emigrants were stern, strict, liberty-loving Presbyterians, who believed in the Westminster Catechism and taught it to their children. They resented the pretensions of the Crown to be the head of the church, and believed with John Knox that the King derived his authority from the people, who might lawfully resist, and even depose him, when his tyranny made it necessary. They believed in education, and followed a system under which every preacher became also a teacher, a circumstance that had a marked influence on the educational history of Tennessee. The colony prospered wonderfully. But these Scotch-Irish as steadfastly resisted the Episcopacy as did the Irish Catholics, and were destined to suffer a like persecution. As early as 1636 some of them set sail on board the "Eagle Wing" for America, but unfavorable weather sent her back to port in a disabled condition, and the experiment was not again repeated for half a century.

68. The Great Ulster Exodus.—Their persecutions continued, with the exception of a short respite under the reign of William of Orange. Finally, in the latter part of the seventeenth century, the great exodus began. It reached its flood-tide near the middle of the eighteenth century. For some time prior to 1750, about twelve thousand Irish emigrants had annually landed in America. In the two years following the Antrim evictions in 1771, as many as one hundred vessels sailed from the north ports of Ireland, carrying from twenty-five to thirty thousand Scotch-Irish Presbyterians, mostly to America. Their experience in Ireland had peculiarly fitted them to lead the vanguard of western civilization. Their hereditary love of liberty, both civil and religious, was strengthened by a long course of persecution and oppression. Moreover, the constant presence of danger from their turbulent neighbors had made them alert, active, resolute, and self-confident.

69. The Scotch-Irish Settle on the Frontiers.—The Scotch-Irish reached the interior of America in two streams. The earliest and largest poured into Pennsylvania through the ports of New Castle and Philadelphia, whence it moved southward through Maryland and Virginia, up the Potomac and Shenandoah valleys, and along the Blue Ridge into North and South Carolina. There it met the counter stream flowing in from the south, mostly through the port of Charleston, but in smaller numbers through those of Wilmington and

Savannah. All along the frontiers, from Pittsburg to Savannah, they interposed themselves as a conscious barrier between the sea-board settlements and their Indian foes.¹

70. The Scotch-Irish in America.—The Scotch-Irish were everywhere a masterful people. In Pennsylvania they were not regarded with favor. In 1725 the president of the province described them as bold, though rude and indigent strangers, who frequently sat down on any vacant land without asking questions. He expressed the fear that, if they continued to come, they would make themselves proprietors of the province. They were always jealous of their liberties, and ready to resist oppression with blood. In North Carolina they have made two counties famous—Mecklenburg for the first Declaration of Independence, and Orange for the battle of the Alamance.²

CHAPTER VIII.

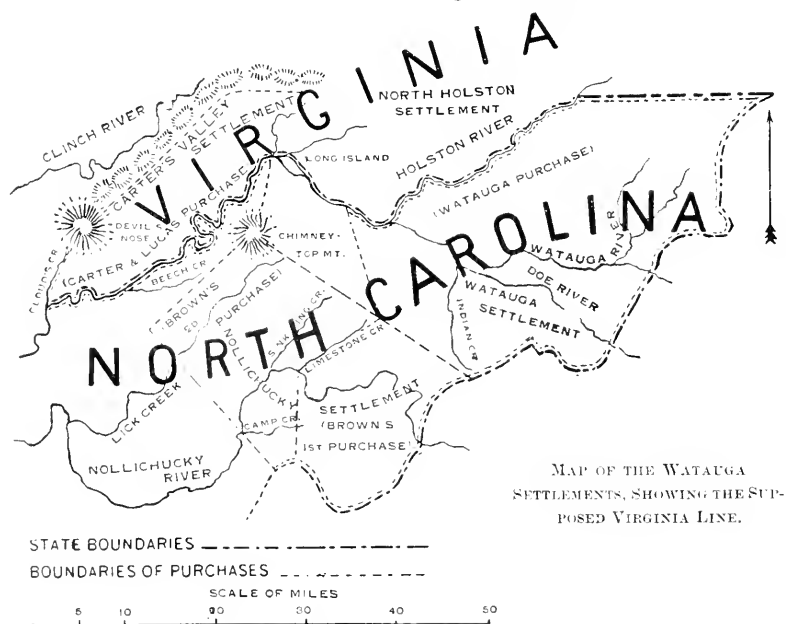
THE WATAUGA ASSOCIATION.

71. The North Holston Settlement.—The first settlements in Tennessee, as we have seen, were but extensions of the frontier settlements of Virginia. They lay north of the Holston River, in what is now Sullivan County. Lying east of the Indian line established by the treaty of Lochabar, they received the protection of Virginia, under whose laws they lived, and whose authority they supported, until the Walker-Henderson line of 1779 showed them to be in North Carolina. The leading family of the North Holston settlement was the Shelbys. Gen. Evan Shelby, who settled at King's Meadows, was a famous woodsman, and figured prominently in the Indian wars on the border. His son, Col. Isaac Shelby, distinguished himself at the battle of King's Mountain. He afterwards went to Kentucky, and became the first governor of that Commonwealth.

¹In 1738 the Synod of Pennsylvania, upon the application of John Caldwell, the grandfather of the great statesman, John Caldwell Calhoun, sent a commission to the Governor of Virginia with a proposal to people the valley west of the Blue Ridge with Presbyterians, who should hold the western frontier against the Indians, and thus protect the colony, upon condition "that they be allowed the liberty of their consciences and of worshiping God in a way agreeable to the principles of their education."—*Scotch-Irish in America, First Congress, p. 117.*

²On the subject of the Scotch-Irish in America, and particularly in Tennessee, see the *Life of George Donnell*, by President T. C. Anderson. See also the proceedings of the Scotch-Irish in America, at their various congresses, the first of which was held at Columbia, Tennessee, in 1879.

72. The Carter's Valley Settlement.—There was another settlement north of Holston, known as the Carter's Valley Settlement, in what is now Hawkins County. It was, also, believed to be in Virginia, but was beyond the Indian line. Its people acknowledged the jurisdiction of Virginia, but being on the Cherokee lands, were deprived of its protection. Carter's Valley took its name from John Carter, one of its first settlers, who afterward became prominent in the Watauga settlement. These two settlements lived, during all the historic life of the Watauga Association, under the laws of Virginia, and had no other connection with the South Holston settlements than that of near and friendly neighbors, who stood in common



peril from the Indian wars which commenced with the first struggles for American independence. (See map.) The only distinctive Tennessee history from 1769 to 1779, was made by the people south of the Holston River.

73. South Holston Settlements.—There were two South Holston settlements; Watauga, on the Watauga River, and Brown's, on the Nollichucky River. The latter was just being planted when the Watauga Association was formed in 1772, and took no part in its organization. It was founded by Jacob Brown, a native of South

Carolina, who distinguished himself both in the Indian wars, and at King's Mountain.

74. James Robertson.—The first decade of Tennessee history centers in the little settlements on the Watauga River, of which James Robertson was the most distinguished member. Robertson was a native of Brunswick County, Virginia, but in his youth moved with his parents, John and Mary (Gower) Robertson, to Orange County, North Carolina. He had just reached manhood when the Regulators began an organized resistance to the oppressions of the royal government. He had neither wealth nor education, but his native talent, his resolute spirit, and his inspiring manner were such that he could neither have been an indifferent spectator in the stirring scenes of the first year of the Regulators, nor could he have passed unnoticed through them.

75. Robertson Determines to Leave North Carolina.—During the year or more of quiet dejection following the dispersion of the Regulators in the fall of 1768, Robertson determined to seek a home beyond the reach of British oppression. Accordingly, in the spring of 1770, he found the beautiful valley of the Watauga, where he accepted the hospitality of one Honeycutt, raised a crop of corn, and returned for his family and friends. On the trackless mountain he lost his way, and would have perished but for the providential relief afforded by two hunters who chanced to discover him when his strength was fairly exhausted from hunger and fatigue.

76. Robertson, the Father of Tennessee.—Robertson was not the first to settle on the banks of the Watauga. Perhaps that distinction is properly accorded to William Bean. It is certain Robertson found Honeycutt there on his first arrival. But he has been justly called the "Father of Tennessee" in recognition



BRIGADIER-GENERAL JAMES ROBERTSON,
"Father of Tennessee."

of his eminent services to its infant settlements. It is true, his name is more intimately linked with the history of the middle portion of the State, but his public services here antedate the settlement of the Cumberland Valley by a period of nearly ten years; during this time he was the leading spirit of the Watauga settlements, where he proved

himself in every way worthy of the affectionate title he has received. He had an elevation of soul that enabled him to take upon himself the burden of the whole community. He was wholly unconscious of self. He never sought popularity, nor honor, nor position. If there was a service too humble to attract the ambitious, a post so perilous as to make the brave quail, or a duty so difficult as to fill every other heart with despair, that service or post or duty was accepted as a matter of course by James Robertson. And his head was so cool and clear; he had such a brave, resolute and devoted spirit; and his vigilance was so alert and active, that success followed him like the blessings of a special providence.

77. The Watauga Settlers Ordered off.—By the spring of 1772, when the first political organization in the State was effected, the Watauga settlement numbered many families. Some of them, as we have seen, had settled there in consequence of the treaty of Lochabar, believing that they were within the limits of Virginia. But in 1771, Anthony Bledsoe made an experimental survey from Steep Rock to Beaver Creek, which clearly indicated that the Virginia line would not fall south of the Holston River. This was followed, in 1772, by a treaty between the authorities of Virginia and the Cherokees, making the Indian line on the south identical with the line between Virginia and North Carolina. Under this treaty, Alexander Cameron, an agent of the royal government, residing among the Cherokees, ordered the Watauga settlers to move off.

78. The Indians Intercede for the Watauga Settlers.—His order placed the Watauga settlers in a most critical situation. Hitherto, they had relied on Virginia. Now, they found themselves without laws, and beyond the protection of any organized government. Being on Indian land which was controlled by the Crown, they were without the jurisdiction, as they were physically beyond the protection, of North Carolina. They could not obtain title to their lands, either from the Indians or from the provincial government. Fortunately for them, a profound peace existed between the colonists and the Southern Indians. When the British agent ordered them to move back, some of the Cherokees expressed a wish that they might be permitted to remain, on condition that they should not encroach beyond the lands they then held. After that, no further effort was made to remove them.

79. Settlers Form an Association.—At this juncture a convention of the settlers was called to consider their anomalous condition,

and to devise means for its improvement. They never thought of abandoning their homes. They said they were "too inconveniently situated to remove back," and besides, they were "unwilling to lose the labor bestowed on their plantations." They determined to do two sensible things: (1) To form a government of their own for the administration of justice in their settlement; and (2) to lease for a number of years the lands on which they lived, conceiving that the King's proclamation of 1763, prohibiting them from buying the land from the Indians, did not extend to a leasing.¹

80. Watauga Adopts the First Written Constitution in America.—

Accordingly, they entered into a written association and articles for the government of the settlement, which was the first written constitution adopted by the consent of a free and independent people in America.² The instrument itself has not been preserved. Every member of the settlement signed the Constitution. They adopted for their government the laws of Virginia, and not those of North Carolina. A court, consisting of five magistrates, having a clerk and a sheriff, were appointed to administer the law under the Constitution. This government continued until the beginning of the Revolution, in 1775, when it was merged into Washington District.

81. Land Leased from the Indians.—A form of government being now established, and magistrates appointed, steps were immediately taken to secure the settlers in the possession of the lands they had so recently been notified to vacate. James Robertson and John Bean³ were appointed to negotiate a lease from the Cherokees. They

¹ Petition of the inhabitants of Washington District, Ramsey's Annals of Tennessee, p. 134.

² Compare Ramsey, p. 107; Kelly, in Proceedings of the First Scotch Irish Congress, p. 153; Allison, in Proceedings of the Seventeenth Meeting of the Tennessee Press Association, p. 27; Roosevelt's Winning of the West, Vol. I, p. 184; Caldwell's Studies in the Constitutional History of Tennessee, p. 27. See also, Dunmore to Dartmouth, May 16, 1774; Bancroft's History of the United States (first edition), Vol. VI, p. 401, note.

³ The first mention of these commissioners is found in "A Summary Notice of the First Settlements Made by White People within the Limits which Bound the State of Tennessee," published in the Massachusetts Historical Collections (second series), Vol. VII, p. 59, and reprinted in the American Historical Magazine, Vol. II, p. 17. The sketch was written in 1816, by Moses Fisk, a citizen of Tennessee, of whom the most complete published account will be found in the Life of Jefferson Dillard Goodpasture, p. 18, *et seq.* Fisk says the commissioners were Robertson and John Bean. Haywood manifestly gets the account in his History of Tennessee, p. 55, from Fisk, whom he follows closely, often verbally. But by a typo-

assembled the Indians near their own settlement, and for the sum of five or six thousand dollars in merchandise leased all the land lying on the waters of the Watauga, for a period of ten¹ years. Afterwards, in 1775, following the precedent set by Henderson & Co., in their great Transylvania purchase,² the Watauga people bought their lands in fee simple.

Jacob Brown made a similar lease, and purchased on the Nollichucky. John Carter also met the Indians at Sycamore Shoals, and obtained a deed to Carter's Valley, partly as an indemnity for a store destroyed by the Indians some years before, and also for an additional consideration, which Carter was enabled to raise by admitting Robert Lucas to the firm. The accompanying map, page 52, shows the boundaries of each of these private purchases.

82. The First Geographical Division Named for Washington.—The Watauga Association never had, nor sought a political connection with North Carolina until she declared her independence of Great Britain. Its people had lived in peace under their own government from 1772 to 1775. When the conflict between Great Britain and her colonies began in that year, the united settlements on the Watauga and Nollichucky formed themselves into Washington District. This was the first geographical division in the United States, named for the Father of his Country.

83. Washington District Supersedes Watauga Association.—Having formed themselves into Washington District, they appointed a Committee of Safety. This was a kind of provisional government generally adopted by the colonies. Their Committee of Safety was composed of thirteen members, of whom Col. John Carter was made Chairman. The Committee resolved to adhere to the Continental Congress, and acknowledged themselves to be indebted to the united colonies for their full proportion of the Continental expense. ³Imme-

graphical error, no doubt, the second commissioner's name was written John Boon. This error has been repeated by all subsequent historians who have followed Haywood's authority. We correct it from the authority on which Haywood himself relied.

¹ Haywood, following Fisk, says the lease was for "eight" years, but the Petition of the Inhabitants of Washington District, set out at length in Ramsey's Annals, p. 134, *et seq.*, which is undoubtedly the best authority on the subject, says it was for "ten" years.

² See map of Indian treaties; Report of Bureau of Ethnology for 1883-1884, p. 147; Ramsey, pp. 109-111.

³ The "Petition and Remonstrance" of the people of Washington District, praying to be annexed to North Carolina, is given in full in Ramsey's Annals,

diately after the Declaration of Independence, in 1776, Washington District presented a petition to the Provincial Council of North Carolina, praying to be so annexed to that province as to be enabled to share in the glorious cause of liberty.¹

CHAPTER IX.

WASHINGTON DISTRICT.

84. The Transition Period.—The recognition of the Washington District by North Carolina is frequently alluded to as the "Annexation to North Carolina." Strictly speaking, there was no *annexation*, but simply a *recognition*. The Watauga Settlement had always been within the jurisdiction of North Carolina, although the State had not asserted or exercised control. No formal act was passed by the Legislature of the State, annexing or recognizing the Association, or the District. The recognition was made in November, 1776, by admitting Charles Roberson,² John Carter, John Hall, and John Sevier, as delegates from Washington District. The period which elapsed between the recognition of Washington District by seating its delegates in the North Carolina Assembly, in 1776, and the date of the actual exercise of jurisdiction by establishing Washington County, November, 1777, may be called the transition period. It was during this transition period that Washington District was subjected to the severe ordeal of a formidable Indian invasion.

85. The First Indian War.—On account of their distance from the coast and the absence of means of transportation, the British forces could not make a direct attack on the settlements about Watauga. Neither during the Revolutionary War, which was then waging, nor at any subsequent time, has the foot of a foreign invader ever touched the soil of Tennessee. The British, however, found a means of reaching the Western settlers. They formed an alliance

pp. 134-138, and in Putnam's History, pp. 45-48. Read the names of the signers, and note the number who signed their own names, and how few made their mark as a signature.

¹ Those desiring further information on the organization of the Watauga Association are referred to the American Historical Magazine, Vol. III., p. 103, *et seq.*, where the subject is discussed more in detail. For an admirable discussion of the "Watauga Commonwealth," see Roosevelt's Winning of the West, Vol. I., Chapter 7; Putnam, pp. 45-49; Ramsey, pp. 134-140. See also Caldwell's Studies in the Constitutional History of Tennessee.

² Spelled according to his own signature. His commission from Gov. Blount spells the name "Robertson."

with the neighboring Indian tribes, whom they incited to war. These formidable savages threatened the destruction of the pioneer settlements. The pioneers now armed to protect their own firesides, and to repulse the Indians from moving against the rear of the eastern settlements of North Carolina. This work was bravely and successfully performed, and earned them the honorable title of "the Rear-Guard of the Revolution."

86. Nancy Ward.—Early in the summer of 1776, information was received through Isaac Thomas and William Falling, to the effect that the Indians were gathering in force to invade the settlements in Washington County. This information came from Nancy Ward, an Indian woman, who was friendly to the Americans, and who has been called "The Pocahontas of the West."

87. Nancy Ward's Statements Confirmed.—The intelligence conveyed by Nancy Ward was confirmed by concurrent testimony. Jarrett Williams, just from the Cherokee villages, made an affidavit giving direct evidence. A letter was mysteriously left by a stranger at the house of Charles Robertson, which appeared to be a circular letter written by Henry Stuart, who was a deputy of Captain John Stuart, the British Superintendent of Indian Affairs for the South, evidently intended for distribution among the Tories. This letter gave notice that the southern country would be invaded by his Majesty's forces, aided by the Indian allies, and called on all loyal subjects to coöperate with the movement. A trader named Robert Dews, who returned from a trading excursion, made oath that the Indians were assembling for war; that the Cherokees had received a letter from Cameron that the Creeks, Chickasaws, and Choctaws would unite with the Cherokees for a general invasion of the southwestern settlements, and that the British were supplying them with arms, ammunition, and stores.

88. Preparations for Defense.—The dangerous intentions of Great Britain could no longer be doubted, and the pioneers began active preparations for defense. Forts were built and garrisoned at Gillespie's, Heaton's, Beaver Creek, Womack's and other points. The Virginia and Tennessee settlements concentrated plans for their mutual defense, and called into service all their military force.

89. The Indian Invasion.—Scarcely had time been given for the hasty preparation, when information arrived that the Indians were approaching. Couriers were dispatched in every direction to warn the inhabitants. Many of these couriers took rides as rapid and far

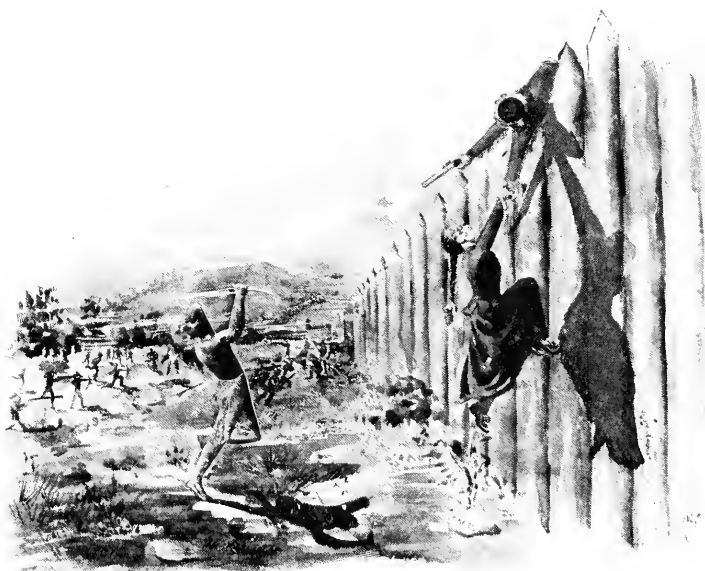
more perilous than that of Paul Revere, but their names have not been preserved in history, nor celebrated in song or story. Most of the people took refuge in the fortified stations, but a few remained in their homes, and were subjected to brutal outrages by the invading Indians. Among those captured, was Mrs. Been, the wife of the first settler, William Been, and mother of the first white child born in Tennessee, Russell Bean. She was taken from her home, near Watauga, and carried as a prisoner to the Indian villages, where she was condemned and ordered to be burned, when Nancy Ward, "The Pocahontas of the West," interfered, and saved her life.

90. The Battle of Island Flats.—The invading force of Indians consisted of about seven hundred warriors, divided into two parties, each numbering between three and four hundred men. One party moved against the fort at Watauga, and the other against Heaton's Station. The fort at Heaton's Station was located about six miles above the junction of North Fork and Holston rivers, and near Long Island. The low islands stretching along the Holston, just above Long Island, were known as the "Flats." Fort Heaton was defended by a force of about one hundred and seventy men, consisting of five small companies, mostly from Virginia, commanded, respectively, by Captains James Shelby, William Buchanan, John Campbell, William Cocke, and Thomas Madison, with Captain James Thompson in chief command. Being informed by their scouts, July 19, 1776, that the Indians were approaching, a council was held. Capt. Cocke represented the danger to which many of the inhabitants were exposed who had not been able to take refuge in the fort, and urged that the garrison should march out to meet the enemy. The garrison, accordingly, marched to Island Flats, and encountered the Indian force under their chief, Dragging Canoe, July 20. After a severe conflict, the Indians were routed, with a loss of more than forty killed, in addition to the wounded, while the loss of the pioneers was only five wounded and not a man killed.

91. Incidents of the Battle of Island Flats.—In this battle, distinction was gained by Capt. James Shelby, Lieutenant Robert Davis, Robert Edmiston, and John Morrison. Isaac Shelby, who afterwards became famous, was a volunteer, but issued an order, without authority, which was promptly obeyed, and was instrumental in gaining the victory. Here occurred one of those desperate individual conflicts, so characteristic of Indian warfare. Lieutenant Moore, of Sullivan County, had shot one of the Cherokee chiefs, an Indian of

gigantic size, but not so as to disable him. They rushed upon each other, Moore with his hunting knife, the Chief with his tomahawk. After a desperate struggle, the Chief was thrown to the ground and killed, whereupon the Indians retreated.

92. Attack on Fort Watauga.—The garrison at Fort Watauga consisted of about forty men, commanded by Captain James Robertson, with Lieutenant John Sevier second in command. A number of fugitives, women and children, had taken refuge in the fort. Horses, cattle, and such valuables as could be moved, had been brought to the



BATTLE OF FORT WATAUGA.

fort for protection. On the day after the battle of Island Flats, July 21, 1776, the second division of the Indian force, somewhat more than three hundred strong, commanded by Old Abraham of Chillhowee, reached Watauga about sunrise, and immediately attacked the fort. They were repulsed with severe loss, the amount of which could not be accurately ascertained, as the Indians bore off their dead and wounded. After the repulse the Indians rapidly retreated.

93. Incidents of the Battle.—On the morning of July 21st, the women, in accordance with the good old pioneer custom, began at daybreak their daily task of milking the cows. Suddenly the alarm

was given that the Indians were approaching. A rush was made for the fort. History has failed to record the details, but we may well imagine that some of the women attempted to save a few favorite cows by driving them into the fort. Perhaps this delay gave time for a party of Indians to approach. We know that the Indians pursued the flying women, and fired upon them, fortunately without effect. One of the most beautiful and charming of mountain maidens has become separated from the others. She is cut off from the entrance, yet she does not despair. Blithe, active, and swift of foot, she runs like the frightened doe, and makes for the nearest point of the fort. But, nimble and swift as she is, the athletes of the forest are close behind, and gain upon her steps.

A handsome, manly officer is giving orders to his men, when he hears a cry, and turns to behold this thrilling race. He rushes to the rescue. He springs upon the stockade just as the breathless maiden reaches it below. With one hand he shoots down the foremost of her pursuers, while with the other he assists her in the leap over the stockade. "Bonnie Katie Sherrill" surmounts the breastworks and falls exhausted in the arms of John Sevier. So says trustworthy tradition. It was not long before "Bonnie Katie Sherrill" was Mrs. John Sevier.¹

94. The Invasions Continue.—In addition to their two main columns, the Indians had organized two other formidable armies to follow up the invasion. One of these, under the command of *Raven*, learning of the result of the battles at Island Flats and Watauga, and finding that the inhabitants had taken refuge in strong forts, withdrew after committing ravages. The fourth party invaded the settlement at Carter's Valley, dividing into small parties and laying waste the country. One of these parties attacked Rev. Charles Cummings and four white men. After a skirmish, in which one white man was killed, the Indians withdrew.

95. The Southern States Combine.—The plans of Great Britain had now come to be understood. The Southern States perceived that it was the purpose to destroy the western settlements which had served as the "rear-guard," and then to invade all the Southern States from the West. They determined to make a concerted movement in force to invade the homes of the hostile Indians. Accordingly, Col. William Christian, with a Virginia force, reinforced by North Carolina troops under Col. Williams and Major Winston, moved

¹Putnam, p. 52; Roosevelt, Vol. 1, p. 292; Rear Guard of the Revolution.

to attack the Cherokee towns. Simultaneously, Gen. Rutherford, with 2,400 North Carolina troops, moved along the route since known as Rutherford's trace. Col. Williamson, with a strong force from South Carolina, assailed the Keowee towns of the Senecas, and the towns of the Cherokees east of the Unaka Mountains. Col. Leonard McBurny, with a Georgia force, invaded the Indians along the Tugaloo, and penetrated westward. All these expeditions were successful. The Indians were defeated wherever they offered resistance. Many of their towns were destroyed, and their country laid waste. Prostrated and humiliated, they sued for peace. Truce was granted by the several commanders, and it was agreed that arrangements should be made for a meeting of representatives to establish a general treaty of peace.

96. Avery's Treaty, or the Treaty of Long Island.—As the result of the events above narrated, two treaties were made; one at DeWitt's Corner with commissioners from South Carolina and Georgia, the other at Fort Henry near Long Island in the Holston River, with commissioners of Virginia and North Carolina. The two States entered into separate treaties with the Indians. The treaty in which we are interested is styled: "Articles of a Treaty of Peace, Made and Concluded at Fort Henry, on Holston River, near the Long Island, July 20, 1777, between the Commissioners from the State of North Carolina on Behalf of the said State of the One Part, and the Subscribing Chiefs of That Part of the Cherokee Nation Called the Overhill Indians of the Other Part." This treaty provides that peace shall forever exist between the contracting parties; and that all prisoners of war shall be released; prescribed regulations for intercourse and trade between the whites and Cherokees, and for the adjudication of controversies; and designates the boundaries between them, somewhat extending the area of the lands leased by the settlers, in 1772, and subsequently purchased in 1775.¹ James Robertson was appointed Indian agent by the Commissioners, to reside with the Cherokees, for the purpose of putting the treaty into successful operation.

¹See paragraph 81, *ante*; Map of Indian Treaties; Haywood, pp. 501-514.

TOPICAL ANALYSIS—CHAPTERS VII TO IX.

I. THE PIONEERS.

A. *Visitors—*

1. Explorers. (2) Traders. (3) Hunters, Daniel Boone, the first Negro.

B. *Settlers—*

1. Anglo-Americans Approach from the East.
2. The Scotch-Irish. (a) Their Origin. (b) Character. (c) Exodus from Ulster. (d) Their characteristics in America.

II. THE WATAUGA SETTLEMENTS.

A. *North Holston.***B.** *Carter's Valley.***C.** *South Holston.* (a) Watauga. (b) Brown's.

1. William Been and his Cabin, 1769.
2. James Robertson.
3. Watauga Settlers Ordered off.
4. Adopt Written Constitution.
5. Lease Lands from Cherokees.
6. Jacob Brown Leases Lands.

III. WASHINGTON DISTRICT, 1776, 1777.

A. *First Geographical Division named in honor of George Washington.***B.** *Supersedes Watauga Association.***C.** *Petitions North Carolina for Annexation to the State.***D.** *Recognized as Part of North Carolina by Admission of Delegates in Legislature.***E.** *Transition Period.***F.** *Indian Wars.*

1. Incited by Great Britain—Purpose to destroy the western settlements and then invade the eastern colonies.
2. Information received from Nancy Ward, the "Pocahontas of the West," and confirmed by other testimony.
3. Preparations for Defense.
4. The Invasions—
 - (a) Dragging Canoe defeated at Island Flats. Retreats.
 - (b) Old Abraham of Chilhowee repulsed at Fort Watauga. Incidents of the battle. Captures Mrs. Been.
 - (c) Raven's Indian force moves to Holston River, and retires.
 - (d) A fourth Indian army invades Carter's Valley, ravages the country and retires.
5. The Southern States combine and invade the Indian country with strong armies.
6. Avery's Treaty, or the Treaty of Fort Henry, near Long Island.

CHAPTER X.

WASHINGTON COUNTY.

97. North Carolina Asserts Jurisdiction.—In November, 1777, the General Assembly of North Carolina asserted jurisdiction over her western territory by forming Washington District into Washington County, with boundaries co-extensive with the present State of Tennessee. The new county was made a part of Salisbury Judicial District. Courts of justice were established. Civil and military officers were appointed, land offices were opened, and the county organization was completed.

98. Military Preparations.—The militia was organized for defense against the Indians, and John Carter was appointed Colonel of Washington County. Companies of rangers were sent out to protect the country against the incursions of the Indians. This wise precaution brought security to the settlers against petty marauding parties of Indians. Bodies of "Tories" who had been driven from the more thickly settled portions of North Carolina committed depredations upon the settlements. These were restrained by the military authorities, and by Vigilance Committees, and brought before the courts and tried for "toryism."¹

99. Influx of Population.—The State granted land to the settlers on very favorable terms, as will appear in the following quotation from the History of Tennessee by John Haywood, the father of Tennessee history: "at the rate of forty shillings per hundred acres; each head of a family was permitted to take up six hundred and forty acres for himself, and one hundred acres for his wife and each of his children. The law was so worded as not to oblige the Watauga people to enter and pay for their occupancies until January, 1779; and then for any surplus entered above the quantity before mentioned, the purchaser was required to pay five pounds per hundred. Great numbers of persons came to Holston from the eastern parts of North Carolina to enter land."²

100. The Immigrants.—The above quotation from Haywood shows the cheapness of the lands, and how the title to them was obtained. The following quotation from Ramsey shows the character

¹ Ramsey, pp. 177, 181.

² See Haywood's Civil and Political History of Tennessee, chap. 2, pp. 69, 70.

of the pioneers: "The facility of taking up the choice lands of the country induced great numbers of persons, principally those without means, to emigrate to the frontier. A poor man, with seldom more than a single pack-horse on which the wife and infant were carried, with a few clothes and bed quilts, a skillet and a small sack of meal, was often seen wending his way along the narrow mountain trace, with a rifle upon his shoulder, the elder sons carrying an axe, a hoe, sometimes an anger and a saw, the elder daughters leading or carrying the smaller children. Without a dollar in his pocket when he arrived at the distant frontier, the emigrant became at once a large land-holder. Such men laid the foundation of society and government in Tennessee. They brought no wealth with them, but, what was far better, they had hardihood and enterprise, and fearlessness and self-reliance. With such elements in the character of its pioneers, any community will soon subdue the wilderness to the purposes of agriculture."¹

101. Development.—The early pioneers had traveled on horseback and on foot. The scanty articles of comfort, and the few working tools which they imported, were carried on their persons, or on pack-horses. They followed trails which had been "*blazed*" by hunters or previous travelers. No road for vehicles had been opened, and there were no adequate means of transportation. As soon as they were well settled in their new homes, they began to turn their thoughts to the improvement of their condition. They felt the need of some means of transportation to connect them with the outside world. The first effort at internal improvement was the appointment of commissioners by the Legislature to lay off a road from the Court House of Washington County extending into Burke County. Says the historian: "After that road was opened, emigrants of larger property began to reach the country, and the settlements assumed the appearance of greater thrift and comfort."²

102. 1779.—The year 1779 was pregnant with events of importance to the pioneers of Washington County.

The Indian chief, Dragging Canoe, who had refused to take part in the Treaty of Holston, established a force of banditti, 1,000 strong, with headquarters at Nickajack Cave, and began a series of depredations. The expedition of Evan Shelby was made to destroy this rendezvous. Sullivan County was formed. The Cherokees became hostile. Campbell, Sevier, and Shelby invaded their territory.

¹ See Ramsey's Annals, pp. 175, 176.

² Ramsey's Annals, p. 176.

The capture of Savannah, in 1778, followed by the defeat of General Ashe in 1779, opened communications with the Indians, and renewed their hostilities. James Robertson, with a party of pioneers from the Watauga, began the permanent settlement of Middle Tennessee at French Lick on the Cumberland, now Nashville; John Donelson began his famous voyage on the Tennessee and Cumberland rivers; Jonesboro, the first incorporated town in Tennessee, was laid off, and established as the county-seat of Washington County; the courts having been previously held at the house of Charles Robertson; and the Commissioners of Virginia and North Carolina began the location of the boundary line.

103. The Expedition of Evan Shelby.—This expedition was undertaken under the authority of Virginia and North Carolina, and consisted of one hundred and fifty men under Col. Montgomery, with three hundred and fifty men under Col. Evan Shelby, the whole expedition being under the command of Col. Shelby. This movement had been rendered necessary by the depredations of the lawless bands of Indians associated with a few white renegades, who had settled along the banks of the Tennessee River, and had formed an association of pirates or banditti for the purpose of robbing boats which were beginning to navigate the river, and the further purpose of invading the white settlements. The villages which they inhabited were known as the Five Lower Towns—Running Water, Nicajack, Long Island, Cow Town, and Look Out. Their famous stronghold was Nic-a-jack Cave. Col. Hamilton, the British Governor at Detroit, had, through his agents, accumulated a store of goods valued at \$20,000, which had been placed in the vicinity of these towns to be distributed to the neighboring Indians, who had been called to attend a council, at which it was proposed to enlist them to invade and destroy the Tennessee settlements. Col. Shelby foiled the purpose of the British by capturing their stores, burning eleven Indian villages, destroying the crops of the Indians, and prostrating their resources.¹

104. A Dangerous Crisis.—The Revolutionary War had now assumed a phase which threatened danger to the Tennessee settlers. The British commanders had decided to invade the country from the south. Savannah had fallen, and the siege of Charleston was contemplated. The Indians had become the allies of the British. The

¹Read full account in Haywood, Ramsey, and other historians. Evan Shelby was the father of Isaac Shelby, who was the first governor of Kentucky.

feeble western settlement could hardly cope with their Indian enemies. What must be the result when these savages were reinforced with strong bodies of British troops? The sequel will be told in future chapters. In the meantime, the fearless settlers pursued their plans. They calmly continued the location of the boundary line, and the extension of their settlements on the Cumberland. At the same time that they maintained their ground as the "Rear-Guard of the Revolution," they threw forward into the wilderness the "Advance-Guard of Western Civilization."¹

CHAPTER XII.

THE CUMBERLAND SETTLEMENT.

105. Early Visitors.—On March 17, 1775, the Cherokees ceded to Henderson & Co. the land known as the Transylvania Purchase, which extended between the Kentucky and Cumberland rivers.²

This treaty was not recognized as valid, either by the British government or by the States of Virginia and North Carolina. Nevertheless, the Henderson Company sent pioneers to occupy the country which they claimed. Daniel Boone and others were among the pioneers. (As early as 1768 Isaac Lindsay, Uriah Stone, and others visited the Cumberland River, and gave the name of one their party to Stone's River.)³ In 1769 John Rains, Kaspar Mansker, Abraham Bledsoe, John Baker, Joseph Drake, Obediah Terril, Uriah Stone, Henry Smith, Ned Cowan, and others, made extensive explorations, and, among other places, they visited the Cumberland country. Members of this party made subsequent visits to the country. Their names are retained in "Drake's Pond," "Drake's Lick," "Bledsoe's Lick," "Mansco's Lick," "Stone's River," etc. There were other visitors at times previous to the permanent settlement.

106. Thomas Sharp Spencer.—Among the most noted of these early pioneers was Thomas Sharp Spencer. He came in 1776, and

¹The pupil should read in this connection two interesting books by J. R. Gilmore—"The Rear-Guard of the Revolution," and the "Advance-Guard of Western Civilization." These works present a vivid picture, but should be read with caution, as they are not reliable in matters of fact.

²Haywood; Ramsey's Annals, p. 191, and especially Putnam's History of Middle Tennessee, pp. 62, 63; also Report of Bureau of Ethnology, 1883-1884, pp. 148, 149.

³Compare §63.

remained until the arrival of the permanent settlers in 1779. Many anecdotes are related of him which border on the marvelous. He was said to have been a man of gigantic size and strength. He had an immense foot. It is related that a hunter, chancing to see Spencer's footprint in the mud, fled in terror. He remained in the Cumberland country at one time with only one companion. It is said of him: "When this last comrade concluded to return home, Spencer decided to remain. He accompanied his comrade for a short distance, and in parting, divided with him his scanty store, and broke in half the



SPENCER'S TREE.

only knife in the Cumberland country, giving the comrade one part and himself retaining the other. He then returned to his camping-ground, and lived in a large hollow sycamore tree." "Spencer's Choice," in Sumner County, still bears his name. By a singular mistake of the "father of Tennessee history," some confusion has arisen in regard to Spencer's name. Judge Haywood unfortunately inserted a comma at the wrong place, and wrote: "Thomas Sharp, Spencer, and others." This seemed to indicate two

men, Thomas Sharp, and another named Spencer. Later historians copied the mistake. Mr. John Carr, author of "Early Times in Middle Tennessee," being himself a pioneer, was personally acquainted with Spencer. He relates many stories about him, and gives his name correctly.¹

107. Other Noted Pioneers.—John Holliday was Spencer's friend and companion. Captain Demonbreun, a Frenchman, hunted in this

¹ See Ramsey, p. 192; Haywood, pp. 81, 82; Putnam; Carr; American Historical Magazine, Vol. I, pp. 199-201.

country as early as 1775. He bore an important part in the early settlements, and lived in Nashville until 1823. One of the streets of Nashville is named in honor of him. Richard Hogan, William Bowen, John Duncan, James Ferguson were noted pioneers. In 1778, a settlement of less than a dozen families was formed near Bledsoe's Lick. "About the same time a number of French traders advanced up the Cumberland River as far as the 'Bluff,' where they erected a trading post and a few log cabins." Richard Hogan, Spencer, Holliday, and others, planted corn near Bledsoe's Lick in 1778. Dr. Ramsey called this the "first plantation in Middle Tennessee."

108. Nashborough.—The way was now cleared for permanent settlement. In 1779, a band of adventurers from Watauga, led by James Robertson, the father of Tennessee, reached the Cumberland River early in the spring. James Robertson, George Freeland, William Neely, Edward Swanson, James Hanley, Mark Robertson, Zachariah White, and William Overall, accompanied by a "negro fellow," constituted the party. Soon after their arrival, they were reinforced by another party, led by Kaspar Mansker. The names of this latter party are not given by the early historians. They laid the foundation for the settlement by planting corn, and returned home to bring their families, leaving Overall, White, and Swanson to guard their crops from the ravages of wild animals.

109. The Permanent Settlement.—Early in the winter of 1780, the settlers above named returned from Watauga, and were joined by "John Rains and others," the entire party numbering from two to three hundred.¹ The winter of 1780 is famous as the "*cold winter*." The colonists were subjected, during their journey, to much inconvenience and suffering on account of the cold and snow, and found the Cumberland River frozen over. Most of the party crossed the river and settled along the bluffs where Nashville now stands. Others, among whom was Amos Eaton, remained on the east side, and founded Eaton's Station. John Rains settled on Brown's Creek. The colony was strengthened by the arrival of a party from South Carolina. Among these, were John Buchanan, Alexander Buchanan, Daniel Williams, John Mulherrin, James Mulherrin, Sampson Williams, and Thomas Thompson.²

110. Awaiting their Families.—While actively at work, hewing down trees, building cabins, and making preparations for permanent

¹ Ramsey, pp. 184-195; Putnam's, pp. 66, *et seq.*

² Ramsey, 196; Putnam, 66.

residence, the settlers were anxiously awaiting the arrival of their families. When they left Watauga, they had provided, as they thought, a safer and more pleasant mode of transportation for their women and children. They decided themselves to march on foot through the wilderness, expecting to encounter danger, toil and privation. They wished to spare their families this toilsome journey. They, therefore, constructed vessels, on which, they placed their women and children and weaker members of the party, under the protection of a strong escort commanded by Col. John Donelson. This little fleet also afforded the means of transporting a few articles of comfort or luxury for which no other means of transportation could be provided.

111. The Voyage.—Fortunately for history, Col. John Donelson kept a diary, in which is recorded the events of this remarkable voyage. This journal is headed as follows:

“Journal of a voyage, intended by God’s permission, in the good boat *Adventure*, from Fort Patrick Henry, on Holston River, to the French Salt Springs, on Cumberland River, kept by John Donelson.”

The narrative begins December 22, 1779, when “The good boat, *Adventure*,” left Fort Patrick Henry. After much delay, caused by “excessive hard frosts, the *Adventure* was joined at the mouth of Cloud’s Creek by sundry other vessels bound for the same voyage.” February 27, 1780, the little fleet started on the voyage which was destined to incur unexpected dangers. A complete account is given by Col. Donelson of the perils of the voyage, the attack by the Indians, and the unforeseen dangers and discomforts of pioneer navigation, especially in passing through Mussel Shoals. Finally, the fleet arrived April 24, 1779, “at our journey’s end at the Big Salt Lick, where we have the pleasure of finding Capt. Robertson and his company.”

112. The Cumberland Fleet.—The fleet of Donelson, which accomplished the first navigation of Tennessee and Cumberland rivers, came nearer than any other flotilla to being the State navy. While its exact relation to the Cumberland Colony was not accurately defined, it was, at least, a flotilla of thirty or forty vessels engaged in public service, and used in hostilities with the Indians. Posterity should honor the names of those who accomplished this famous voyage. They are given by Col. Donelson, as follows: John Donelson, Sr., Thomas Hutchings, John Caffery, John Donelson, Jr., James Robertson’s wife and children, Mrs. Parnell, M. Rounsifer, James Cain, Isaac Neelly, Jonathan Jennings, Benjamin Belew, Peter Looney, Capt. John Blacke-

DONELSON'S BOATS DESCENDING THE TENNESSEE RIVER.



more, James Renfroe, William Crutchfield, Mr. ——— Johns, Hugh Henry, Sr., Benjamin Porter, Mrs. Henry, Frank Armstrong, Hugh Rogan, Daniel Chambers, Robert Cartwright, ——— Stuart, David Gwin, John Boyd, Reuben Harrison, Frank Haynie, ——— Maxwell, John Montgomery, Daniel Dunham, John Cotton, Thomas Henry, Mrs. Cockrill, John White, Solomon White, Solomon Turpin, John Gibson, Isaac Lanier, ——— Payne (killed). There were other names not put down, women, children, and servants.¹

CHAPTER XII.

GROWTH OF THE CUMBERLAND SETTLEMENTS.

113. Preparing for Government.—Six days were allowed for the rejoicings over the arrival of the Donelson voyagers, the reunion of families, and the installment of the new comers in their homes. On the seventh day, May 1, 1780, the settlers entered upon the stern duty of inaugurating a government for the Cumberland settlements. In taking this wise action, they were moved by the natural instinct of all Anglo-Saxon peoples, which has made them, wherever found, constitution-makers, law-makers, and abiders of law and order. In addition to this, their situation demanded prompt and decisive measures. They were beyond the reach of any organized government. They were, says Ramsey, "Equi-distant from the most warlike and ferocious tribes on this continent, tribes that had frequently wasted the frontiers of Carolina, Virginia, and Pennsylvania with tomahawk and fire, and were now aided in the unnatural alliance of Great Britain, by the arts and treasures of the agents of that government." Their position rendered them peculiarly exposed to attack from the Indians of the North, and the Indians of the South. Their fears were quickened by the presence of a large hunting party of Delawares, who encamped on a branch of Mill Creek, a few miles south of Nashborough.

114. The Cumberland Articles.—In addition to the considerations above mentioned, the presence of Col. Richard Henderson, under whose purchase from the Indians the settlers claimed title, rendered a public meeting important. The meeting was held at Nashborough (now Nashville) May 1, 1780, and entered into "Articles of Agreement," or "Compact of Government." The assembly then adjourned

¹ See Putnam, pp. 75, 76; Ramsey, pp. 202, 203.

to meet May 13, 1780, at which time additional articles were adopted, and the entire instrument was signed by the white male settlers. Two hundred and fifty-six names were signed, nearly all in the handwriting of the signers. In the printed copy published in Putnam's History only one signature by mark is found.¹

115. The Character of the Articles.—This was the second constitution framed by the Tennessee settlers, nearly all of whom were native Americans. Unfortunately the first constitution adopted by the Watauga settlers was lost, and we can judge of its features only by such meager evidence as we can glean from the institutions which were established under it. Thanks to the researches of Mr. Putnam, we have the Cumberland Compact before us. In point of literary merit it compares favorably with any constitution that was ever written. In point of fitness to its purpose, it is a model of jurisprudence. It is framed with consummate wisdom, and is exactly adapted to the environments of the pioneers.

116. Some Features of the Compact.—It establishes a tribunal of twelve members, with certain judicial, legislative, and executive functions, which are limited and defined. It distributes the membership of this tribunal, or court, equitably between the eight stations, or settlements, viz.: Nashborough 3, Gasper's 2, Bledsoe's 1, Asher's 1, Stone's River 1, Freeland 1, Eaton's 2, Fort Union 1.

It confers the elective franchise on all free men over the age of twenty-one years. It makes careful provisions for the entry of lands, for the registration of land titles, and for the descent of lands, and takes care to bind Richard Henderson and his Land Company as parties to the compact. It provides for the administration of justice in civil and criminal cases. It renders justice accessible by instituting inferior courts, and courts of appeal. It binds all by a solemn agreement to abide by the decisions of the Cumberland Courts, and to renounce all right of appeal to North Carolina.

It adopts regulations for "the common defense and general welfare." It makes all males over sixteen years of age subject to military duty, and in consideration thereof confers on them the right to

¹ This remarkable document was lost for many years. It was found in 1846 in an old trunk, which had once belonged to Col. Robert Barton, who had been in his lifetime one of the "Notables," and to whose custody this valuable relic had evidently been entrusted. The first page was destroyed, and second torn, but the remainder was in good condition and legible. To Mr. A. W. Putnam, the historian, belongs the credit of the discovery. See Putnam's History of Middle Tennessee, pages 84-103.

hold real estate. It confers on each station the power to elect its own military officers, and empowers these officers to enforce military discipline, and impress horses for military service. It provides for a commission to assure the General Assembly of North Carolina of "the felicity and attachment to interests of our country, and obedience to the laws and constitution thereof." The commission is further instructed to express the desire of the Cumberland settlers to meet their ratable share of the expenses of the war, and the other expenses of government, to explain that the present organization is made to provide for the exigencies of their exposed position, and to petition the government of North Carolina to establish this country as a county of the State, and afford it aid and protection.

117. Government under the Compact.—Immediately after the adoption of the compact, the government was put into operation. The militia was organized by the election of the following officers: James Robertson, colonel; John Donelson, lieutenant-colonel; Robert Lucas, major; George Freeland, James Mauldin, Isaac Bledsoe, John Blackemore, James Leiper, Andrew Buchanan, and John Rains, captains.

The tribunal provided for in the compact is generally styled "The Court and Government of Notables." It was probably organized promptly, and entered at once upon its functions. It is certain that the rights of marriage were solemnized by its members. James Robertson performed the first marriage ceremony, uniting in marriage Captain James Leiper and his wife. Mr. James Shaw married four couples in one day. We have circumstantial evidence of other functions exercised by the "Notables," yet so careless were our ancestors that no record exists of the proceedings to January 7, 1783. On that day the court consisted of James Robertson, George Freeland, Thomas Molloy, Isaac Linsey, David Rounsevall, Heydon Wells, James Maulding, Ebenezer Titus, Samuel Barton, Andrew Ewin. James Robertson was elected chairman, John Montgomery, sheriff, and Andrew Ewin, clerk. It was decided to pay the clerk for his services, and afterwards the records were better kept. It seems that the court had fallen into disuse, and the records show that it was *revived* January 7, 1783.¹

118. The Dark Days.—Instigated and aided by the agents of Great Britain, and impelled by feelings of hostility to those whom they regarded as intruders upon the hunting grounds which they had

¹ Putnam, p. 170.

so long held sacred from human habitation, the Indians began a series of invasions and depredations. The fate of the Cumberland settlements trembled in the balance. They were invaded by Indians from the North, and Indians from the South. The block-houses and forts which they had erected saved them from destruction. Within these block-houses they could resist the attacks of invading parties, but they were constantly subjected to the fire of lurking foes, to such an extent that they could not venture out to cultivate the crops, and starvation began to stare them in the face. In addition to this, their ammunition began to fail, and there was no means within reach to replenish the supply. In this crisis, James Robertson made a perilous journey to the East to procure ammunition.

119. Freeland Station.—The Renfroe settlement on Red River, above Clarksville, had been destroyed by the Indians, and other stations had been abandoned. Many of the settlers had returned to the East. Deeply discouraged, the remaining pioneers were contemplating the abandonment of the Cumberland. At this juncture, Colonel Robertson returned from the East with a supply of ammunition, January 15, 1781. He was joyfully welcomed at Nashborough, where he remained for a few hours, and went to spend the night with his family at Freeland Station. He was just in time. That very night Freeland Station was attacked by a band of Chickasaws. Robertson's timely arrival saved the garrison. The presence of the Indians was not suspected, and the gate to the fort had not been fastened. The surprise was complete. It so happened, however, that Colonel Robertson had not retired. He heard the Indians around the garrison, and fired upon the advancing foe. Sleeping always with their rifles within reach, the garrison was speedily rallied. After a severe fight the Indians were repulsed, and the sound of the swivel at Nashborough announced that relief was coming. The Indians retired, carrying their dead and wounded with them. In this attack the gallant Major Robert Lucas, who has already been mentioned as having joined Colonel John Carter, in the purchase of Carter's Valley in 1775, was killed, and also Colonel Robertson's faithful negro servant. The force of the Indians has been variously estimated from fifty to two hundred. After their repulse they moved about the vicinity, committing depredations.

120. Result of the Battle of Freeland.—This was the last battle with the Chickasaws. Soon afterwards Colonel Robertson held an interview with Opimingo, the Chickasaw Chief, and entered into an

alliance by which the Chickasaws were detached from British interests, and were ever afterwards the cordial and faithful allies of the Cumberland colonists. The Chickasaws had become inflamed against the Cumberland settlers on account of the occupation by General George Rogers Clark of a fort within the territory which they claimed. This cause of enmity was removed by the intervention of Colonel Robertson, and the Chickasaws were appeased. Moreover, they were the ancient, implacable enemies of the Cherokees, with whom the Cumberland settlers were at war, and readily entered into friendship with those who were at war with their hereditary enemies.

Freed from invasion by the formidable tribe, the colonists enjoyed a brief respite. Yet, they were by no means free from hostilities. Roving bands of Indians—Cherokees, Chickamaugas, Creeks from the South, Shawnees, Delawares, Wyandots from the North—committed depredations, fired from ambush, waylaid travelers, and kept the settlers in continual alarm. During this period many colonists lost their lives by the tomahawk and rifle.

121. The Battle of the Bluffs.—This irregular warfare was followed by the best concerted and most formidable invasion made by the Indians. During the night of April 1, 1781, an Indian force reached the vicinity of the Bluffs unobserved. There they secreted themselves and remained undiscovered until the following morning, April 2d. The strength of this force is variously estimated. Ramsey is content to call them "a numerous body."¹ Other historians estimate them at from five hundred to one thousand. Historians generally credit this attack to the Cherokees, although there is reason to believe that it was a concerted movement, in which many tribes were engaged, some of them being Northern tribes. This battle is full of romantic incidents. The Indians had, with wonderful secrecy, encompassed the fort during the night. Early the next morning they sent three Indians forward, who fired on the fort and retreated. Unaware that a strong force was investing the fort, a party of more than twenty horsemen, probably led by Colonel Robertson, pursued the savages to their cover. At a point which is now the corner of College and Demonbreun streets, they encountered a large body of Indians. Dismounting from their horses they formed on foot and charged the enemy in front. Suddenly a large force of Indians broke cover from a position on the flank and rear of the whites, and rushed forward to capture the horses.

¹ Ramsey's Annals, p. 452.

Still another strong body of Indians, who had lain in ambush, rushed forward with yells, and intervened between the sallying party and the fort. At this critical juncture the dogs, a large number of



BATTLE OF THE BLUFFS. CHARGE OF THE DOGS.

which had been confined in the fort, were turned loose upon the Indians. It is related that the gate was opened for them, and they were incited to attack the Indians by Mrs. Robertson, who, in the

moment of desperation, was inspired to this novel expedient by noticing the excitement of the dogs. Their furious onset was as successful as Hannibal's famous charge of the yoked oxen. The noble animals rushed straight upon the Indians, and sprung at their throats. Disconcerted at this unexpected onslaught, the Indians turned to their own defense. Meanwhile the other party of Indians had become scattered in pursuit of the horses, which had taken fright and were running loose.

Taking advantage of the opportunity, the small party of whites who had been cut off passed through the gap in the Indian lines, and most of them reached the fort in safety. There was some further fighting, which ended in the repulse of the Indians. They continued the investment until the next day, when they were joined by reinforcements, and seemed contemplating an attack by storm. A well directed fire from the swivel, loaded with pieces of iron, terrified them, and caused their immediate retreat.

122. Incidents of the Battle.—Col. Robertson probably made no written report of the battle, certainly none which has come down to history. The accounts of historians are gathered from various sources, and are somewhat conflicting. On the main points they all agree. The complete surprise, the ambush of the charging party, and their miraculous escape, the flight of the horses, and the charge of the dogs, though variously narrated, may be regarded as authentic.

This battle is remarkable for the number of instances of individual gallantry. In fact, the deeds of individual heroes recall the fights around the walls of Troy. Among those who especially distinguished themselves were John Buchanan, Alexander Buchanan, James Leiper, Samuel Barton, and Isaac Lucas. The following were killed: Peter Gill, Alexander Buchanan, George Kennedy, Zachariah White, and James Leiper. Among the wounded were James Manifee, Joseph Moonshaw, Isaac Lucas, Edward Swanson, and Samuel Barton.¹

123. The Guerrilla Warfare.—The Indians now abandoned the plan of besieging the fortified places, and instituted a guerrilla warfare, which proved exasperating and fatal. They aimed to drive the settlers from the country by rendering their residence insecure, and preventing them from following the pursuits of agriculture. They

¹ This is one of the most interesting of Indian battles. Students should read the following works, where it is described more in detail than the limits of a school-book will permit: Haywood's History, pp. 117-120; Ramsey's Annals, pp. 452-455; Putnam, pp. 129-138; Rear Guard of the Revolution, pp. 34-41.

sent small detachments to lurk in ambush to kill all who were unprotected, to watch the cornfields, murder the laborers, destroy the crops, capture the horses and cattle. This species of warfare led to many romantic adventures, and the history of this period is full of wonderful personal feats, hair-breadth escapes, and instances of patient fortitude. The settlers became discouraged, and contemplated abandoning the settlements.



INDIANS ATTACKING A PIONEER CABIN AT NIGHT.

124. The Council—1782.—In this year affairs had assumed a gloomy aspect. Many of the settlers had been slain by the Indians, and others had returned to the East; many of the stations had been abandoned, and others were so weakened as to be untenable; agriculture had been nearly destroyed, and there seemed no avenue of industry; life and property were insecure, starvation seemed to threaten. A general council was called to consider the proposition of abandoning the Cumberland. This proposition was strongly favored by many of the best men. Robertson was firm, and he was strongly supported by Andrew Erwin, Anthony Bledsoe, Isaac Bledsoe, Isaac Lindsay, Thomas Molloy, George Freeland, Samuel Barton, Daniel Smith, and others. Robertson, in a forcible address, admitted the dangers and discomforts of the present, but he drew a vivid picture of the future. He pointed out that the Revolutionary War was practically ended, that with its close the Indians would lose the alliance and aid of the British, while the colonists would receive accessions in wealth and population from the influx of soldiers who would come to occupy their bounty lands. He appealed to every motive of pride and patriotism, and urged them to "*Fight it out here.*" He ended by declaring that he would be the last man to leave. His strong sense and eloquence prevailed. The settlers caught his spirit, and went back to their fields

with renewed confidence and energy, determined to "*fight it out.*" Robertson's predictions were ultimately verified, but Fate was still holding in reserve many trials which would test the manhood of the pioneers.

125. Effect of the Preliminary Treaty of Peace.—When it became known that a preliminary treaty of peace between Great Britain and the United States had been signed at Paris, November 30, 1782, the Cumberland people hailed it with joy. Now that the Indians would no longer be incited to war and aided by Great Britain, they hoped for a respite from Indian hostilities. In this they were disappointed. The British did, indeed, cease from active support of the Indians, but they took no measures to restrain them. The Indians had become inflamed against the Cumberland settlers, and had acquired the habit of invading their country. They continued the guerrilla warfare, though less actively than before. On the whole, the affairs of the Cumberland began a steady improvement. Not only were the hostilities of the Indians somewhat relaxed, but the settlers had acquired more skill in Indian guerrilla warfare, and were better organized for military operations. The deeds of such scouts as Buchanan, Castleman, Rains, David Hood, Thomas Sharp Spencer, and others have rarely been surpassed in romance, and are illustrious in history.¹

We must now leave the Cumberland settlers for a while, and turn to note the events which were occurring elsewhere.

CHAPTER XIII.

WATAUGA IN THE REVOLUTION.

126. The South Overrun.—May 12, 1780, just one day before the Cumberland settlers completed and signed their "Compact," Charleston, S. C., together with the American army which defended it, was surrendered by General Lincoln to General Sir Henry Clinton, commanding the British army. Savannah, Ga., had been previously occupied, and the entire southern coast was in possession of the British. Lord Cornwallis moved to the north and west, and routed the American army under Gates at Camden, while Sumpter was defeated by Tarlton. Colonel Clarke, of Georgia, who was operating along the Savannah River, was driven from the field and found tem-

¹See Putnam, Chapters IX. and X., and other annalists of the period.

porary refuge on the Watauga. Marion and Lee were powerless to protect the country.

Supposing all opposition at an end, Lord Cornwallis issued a proclamation threatening severe penalties against all who should give aid to the American cause, summoned all loyalists to enlist in the English army, and relying on these recruits to hold the country in subjection, marched north to overrun North Carolina.

Feeling secure on his right flank, which extended towards the Atlantic coast, he formed a mounted force of English regulars and Tories to guard his left flank against attack from the west. The command of this body was entrusted to Maj. Ferguson, a brave and skillful English officer.

Keeping Ferguson somewhat in advance, and on his left, Cornwallis advanced into North Carolina, and took post at Charlotte.

127. The Mountaineers.—Previous to the movement into North Carolina, Cornwallis had learned to beware of the pioneers “from over the mountains.” When Colonel Clarke, of Georgia, had taken refuge in the Watauga country to rest and refresh his men, he carried with him on his return a number of recruits from Watauga, among others Robert Bean. These Watauga men rendered signal service in the victory which Clarke soon afterwards gained. Returning home, these mountaineers inflamed their associates by relating the atrocities practiced by the Tories on the defenseless patriots. A little later, Shelby, in Sullivan County, and Sevier, in Washington County, in obedience to the command of General Rutherford, had levied one hundred men each, and were on the point of moving to the defense of Charleston, when news arrived that Charleston had fallen, and that the enemy were moving northward, and were approaching the North Carolina line. Both of these energetic commanders doubled their levies, and with two hundred mounted men each, marched promptly to the camp of Colonel McDowell, who commanded the North Carolina troops at Cherokee Ford, in South Carolina. Sevier, being unable to leave home, sent his regiment under the command of Maj. Charles Robertson.

128. The Mountaineers Gain Distinction.—Colonel Shelby was detached with six hundred men to operate against a force of Tories under command of Col. Patrick Moore, a noted loyalist. He found Colonel Moore strongly entrenched on the Pacolet River, in a redoubt known as Thicketty Fort. Capt. William Coker, subsequently United States Senator from Tennessee, was sent to demand the surrender. This was refused, whereupon Colonel Shelby drew up his men to

storm the fort. Alarmed at the formidable appearance, Colonel Moore proposed to surrender on condition that his men should be paroled, not to serve during the war, unless exchanged. The date of this surrender was July 30, 1780.

Colonel Shelby, in command of six hundred men, was attacked at Cedar Springs by Ferguson with his entire command. After a sharp fight, Shelby withdrew, but with the honors of war.

August 18th occurred the battle of Musgrove's Mill, on the Enoree River. This feat resembled one of Forrest's most daring raids. It displayed a species of strategy peculiar to Tennessee military genius. Colonel Shelby, learning that a party of four or five hundred Tories was encamped at Musgrove's Mill, determined to surprise them. But Ferguson's force of two thousand men lay between. Shelby, with his famous six hundred men, four hundred Tennesseans, and Clarke's Georgians, and Williams' South Carolinians, moved rapidly during the night by a circuitous route, passed around Ferguson's camp, and reached the vicinity of Musgrove's Mill before day. While forming his line for the attack at day-break, Colonel Shelby was surprised to learn that the enemy had just been reinforced by a detachment of British regulars and Tories under the command of Colonel Innis. In this dilemma it was not safe either to attack or retreat. The enemy had discovered his presence, but was not aware of his force. He decided to prepare a hasty ambush, and sent forward Capt. Shadrach Inman with a small force to entice the enemy to attack him. The stratagem was entirely successful. The enemy attacked and were completely routed. Shelby pursued them for a short distance, capturing many prisoners, and contemplating an attack upon the post at Ninety-Six, when his movement was suddenly arrested by a courier from Colonel McDowell announcing the disastrous defeat of Gates at Camden. His position was now full of danger. It would require the utmost skill and energy to effect his retreat. This was successfully accomplished. Escaping with his prisoners and booty, he evaded pursuit, and rejoined Colonel McDowell on the following day, sixty miles from the battle-field, in the mountains, where he turned over seventy prisoners.

The period of the enlistment of the Tennesseans had now expired. After consultation with McDowell and the other leaders, measures were concerted for future campaigns against Ferguson, and the Tennessee troops returned home full of confidence in themselves, and covered with glory.

129. The Gathering.—After the battle of Camden, and the rout of the American Army under Gates, Cornwallis moved into North Carolina and took post at Charlotte, as previously related. Ferguson, guarding his left flank, easily overran the country to the west, and approached the mountains. He had learned a wholesome dread of the mountaineers, from whom he had received the only check in his career of victory. Meanwhile, Shelby and Sevier had been in consultation with Colonels Arthur and William Campbell, of Virginia, with the purpose of levying a force sufficient to cope with Ferguson. This purpose was strengthened by a message which Colonel Shelby received from Ferguson, threatening to destroy the Watauga settlement.

Monday, September 25, 1780, Colonel William Campbell, of Virginia, commanding four hundred men, Colonel Isaac Shelby, of Sullivan County, Tennessee, and Colonel John Sevier, of Washington County, Tennessee, each commanding two hundred and forty men, established their camp of eight hundred and forty mounted men at Sycamore Shoals. The next day, after prayer by Rev. Samuel Doak, the combined forces started on their march to capture Ferguson. Trusting to their good horses, their well-tested Deckhard rifles, and their own vigorous manhood, they never for a moment doubted the result. On the march they were joined by Colonel Cleveland and Colonel Winston, with three or four hundred North Carolinians, October 1, and later by volunteers all along the route. Halting for two days, a council was held, and Colonel William Campbell, of Virginia, was selected to command the expedition. Subsequently other forces joined on the march. Among these were Sumpter's South Carolinians, under Lacey, and the commands of McDowell, Hambright, and Williams. Ferguson was at Gilbert Town when he learned of the approach of the mountaineers. He retreated and took position on King's Mountain. He was pursued and attacked at this place. Two days before overtaking Ferguson, Colonel Campbell inspected his troops. Finding many of the horses worn out, he selected nine hundred and ten of the best mounted men, and with these continued the pursuit, leaving the remainder of his command to follow more slowly. This force of nine hundred and ten men fought the battle of King's Mountain. October 7, 1780, the pursuers arrived at the foot of the mountain.

130. Battle of King's Mountain.—This mountain resembles a truncated cone, from which a long spur projects. The circular plain at its top is bald, while the sides of the mountain are covered with small trees and undergrowth, and are very rocky. Upon this plain at



BATTLE OF KING'S MOUNTAIN.

the top Ferguson was entrenched with some eleven hundred men. About twelve o'clock, October 7, 1780, the nine hundred and ten men under command of Colonel Campbell reached the foot of the mountain unobserved by the enemy. They picketed their horses in the woods, and placed a small guard over them, which somewhat reduced the force that entered the battle. Dividing into two columns, which moved on foot in diverse directions, they encircled the mountain. When the heads of the two columns met, Ferguson was surrounded. Wheeling into line, the American force began to climb the sides of the mountain. The maneuver had been nearly completed before their presence was discovered. The annexed diagram shows the plan of attack and the position of the troops. Ferguson sent Capt. Abram De Peyster, his second in command, to charge with the bayonet upon Campbell and Shelby, who were approaching along the spur. He drove them down the mountain. About the same time the American troops on the opposite side of the mountain made a fierce assault, which compelled Ferguson to recall De Peyster from his charge. As De Peyster retreated up the hill the practiced riflemen of Shelby and Campbell followed their retiring footsteps, and picked them off at leisure. Similar tactics were employed throughout the fight. The American forces, hidden by the trees and rocks, used their unerring rifles with terrible effect upon the enemy exposed on the bald plain above, surrounding Ferguson's camp like a rubber band, yielding to pressure at any point of attack, and closing with elastic force when the pressure was removed.

The remarkable spectacle was presented of an inferior force surrounding a superior force, and pressing it to destruction. No battle scene was ever more striking. The stalwart mountaineers, in their hunting shirts and picturesque costumes, moving actively and gracefully along the mountain sides, receding or advancing as occasion required, using their faithful rifles as coolly as at target practice, gradually contracting the encompassing circle until the well trained British regulars were crushed by the pressure.

After an hour of fighting Ferguson fell, and his second in command, De Peyster, surrendered. The loss of the British was fearful—two hundred and twenty-five killed, and one hundred and eighty wounded. The proportion of the killed to the wounded testifies to the deadly accuracy of the mountain rifles. Seven hundred prisoners were taken, fifteen hundred stands of arms, and large stores of supplies. The loss of the Americans was thirty killed, and about sixty wounded.

The Americans retreated with their prisoners and captured stores, and successfully eluded pursuit. Having accomplished their purpose of destroying Ferguson, Shelby and Sevier returned home, and disbanded their men.

131. The Effect of King's Mountain.—This battle is ranked by historians as one of the decisive battles of the Revolution. It defeated the plans of Cornwallis, and forced his return to the Atlantic coast, General Washington proclaimed the result of the battle of King's Mountain in general orders to the army, as "an important object gained and a proof of the spirit and resources of the country." Congress expressed in its resolves "a high sense of the spirited and military conduct of Colonel Campbell, and the officers and privates of the militia under his command." Thomas Jefferson said: "That memorable victory was the annunciation of that turn of the tide of success which terminated the Revolutionary War with the seal of independence."

132. Honors to the Heroes of King's Mountain.—Sevier, Shelby, and their officers and soldiers were greeted with the highest honors upon their return home, and became the idols of their countrymen. The North Carolina Legislature voted thanks to the officers and men, and presented swords to Sevier and Shelby. Similar honors were awarded to Campbell and his men by Virginia. These honors were merited by the bravery and skill which they displayed. By no other tactics could Ferguson's forces have been captured, and such tactics could have succeeded at no place but King's Mountain.¹

CHAPTER XIV.

THE STATE OF FRANKLIN.

133. Sevier Invades the Cherokees.—The absence of so many of the defenders of Watauga had encouraged the Cherokees to plan an invasion of the country. The heroes of King's Mountain returned just in time. Receiving positive information that a strong Indian

¹ No battle of the Revolution has received a more enduring monument than the battle of King's Mountain in the great work of Dr. Lyman C. Draper, entitled "King's Mountain and its Heroes," to which the student is referred for an exhaustive account of the engagement, and of the men who participated in it. See also Ramsey; Haywood; American Historical Magazine, Vol. I, No. 1, pp. 22-47 (January No., 1896).

force was on the road to invade the settlement, Sevier ordered the troops of Washington County to be mustered, and, without waiting for the embodiment of the entire force, he marched to intercept the enemy. He moved with the companies of Captain Russell and Captain Guess, and other volunteers, amounting in all to about one hundred men. He was joined on the march by Captain Prnett with about seventy men. At Long Creek he encountered a large force of Indians, who retreated after a short skirmish. Sevier followed in pursuit, and overtook the enemy at Boyd's Creek. Sevier attacked with his usual impetuosity and success. The Indians were routed and dispersed, with a loss of twenty-eight killed and many wounded. This timely movement and complete victory of the greatest of Indian fighters, saved the settlers from invasion and added greatly to the sentiments of admiration and gratitude with which Sevier was regarded. The battle of Boyd's Creek was added to the list of the thirty-five battles in which Sevier was thirty-five times a victor. In this battle, Major Tipton was severely wounded. Capt. Landon Carter and others are mentioned with honor.

Sevier encamped for a few days on the French Broad, where he was joined by Col. Arthur Campbell from Virginia and Major Martin from Sullivan County. He then moved south with a force of seven hundred mounted men, the Indians fleeing before him. Chilhowee, Hiwassee, and all other Indian towns between the Tennessee and Hiwassee rivers were destroyed. The combined forces then pressed on to the Indian town Tellico, where he met a deputation of Indians, proposing peace. This town was spared. Crossing the Hiwassee, they marched against the Chickamaugas, destroying villages and devastating the country.

Thence they passed into Georgia, and followed the Coosa south until they reached the cypress swamps, spreading ruin and devastation along their tracks.

This stern and cruel mode of warfare accomplished its purpose. The Indians, humbled and terrified, sued for peace. A treaty was made, and Sevier and his comrades returned home. Immediately upon their return, January 4, 1781, the three commanders, Col. Arthur Campbell, Col. John Sevier, and Major Joseph Martin issued a joint address to the Indians, dictating the terms of a permanent treaty.

The Indians, although soliciting peace, still continued stealthy hostilities. During the summer, Sevier, with one hundred and thirty

men, again marched against the Cherokees, defeated them at Tuckasejah, burnt many of their villages, and desolated the country. In revenge, the Indians invaded some of the outlying white settlements. Sevier marched against them, and at War Ford, on the French Broad River, inflicted upon them summary punishment.

134. Further Hostilities.—Soon after the battle of War Ford, Sevier and Shelby went with the troops of Washington and Sullivan counties to South Carolina, and served with Marion until January, 1782. During their absence, the Cherokees, Chickamaugas, and Creeks resumed hostilities, and committed murders and depredations along the frontiers. Upon his return, Colonel Sevier from Washington County, and Colonel Anderson from Sullivan, marched with a force of two hundred mounted men into the territory of the hostile Indians, extending their invasion to Coosa and Oostenaula rivers in Georgia. The Indians offered no concerted defense, while their country was ravaged. After this punishment the Indians ceased their depredations, and peace was secured.

135. 1783.—As with the Cumberland settlers, so with Watauga settlers, this year was full of important events. Peace with Great Britain brought a relaxation of Indian hostilities. The new judicial district of Morgan was taken off from Salisbury District. Thus, Washington and Sullivan counties, being included in the new district, were afforded better facilities for the administration of justice. A final adjustment was made with the Transylvania Company, and land titles were made secure. A land office was opened for the sale of lands for the purpose of paying off the Revolutionary soldiers. This office proved a valuable advertisement to attract immigrants. Greene County was erected out of Washington County. The first court consisted of Joseph Hardin, John Newman, George Doherty, James Houston, Amos Bird, and Asahel Rawlings. Daniel Kennedy was elected clerk, James Wilson, sheriff, and William Cocke, attorney for the State. At the end of this year, the three East Tennessee counties were in a prosperous condition, and rapidly growing.



REV. SAMUEL DOAK,
Pioneer Preacher and Teacher.

The thoughts of the people turned to the necessity for providing facilities for education, for which no provision had been made except

the home school, which in that day was a part of the home establishment of every well regulated family.

In this year Rev. Samuel Doak built the log school house which was the first institution of learning in the West. Rev. Samuel Doak was the pioneer "preacher-teacher." He began his ministrations at Salem in 1780, and was soon followed by other Presbyterian ministers.¹

136. Dissatisfaction with North Carolina.—The pressure of the British war and the Indian wars was now removed. The Western settlers began to feel their strength. Nurtured in the wilderness, accustomed to independence, they were restive under any restraints imposed by people at a distance. The desire for self-government is a trait of the Anglo-Saxon character. This trait has been conspicuously developed in the American branch of the Anglo-Saxon race.

The immediate cause of offense with North Carolina was the Cession Act of 1784. This act was passed by the General Assembly of North Carolina at its April session. It ceded to the United States all that portion of North Carolina which is now Tennessee, and nothing was lacking but the consent of Congress to degrade Tennessee from statehood. What did this mean to the people of Tennessee? Would they lose their right of self-government for which they had so long struggled, and which they had successfully maintained? Would they be governed by the edicts of Congress without any voice in their own affairs? What would become of land offices and land titles? They were especially alarmed at the action of North Carolina in closing the land offices. The United States had not then adopted its wise and liberal policy of territorial government. The first ordinance for the government of the Northwest Territory had been enacted but a few months before, and its features were not generally understood. In a general way it was expected that federal territories would become States—but how, or when, and under what conditions? What would be the status of the territories during the apprenticeship?

137. The Third Independent Government in Tennessee.—The questions above propounded were vital questions to the Tennesseans of 1784. The answer had not yet been given by the United States. The people felt that their dearest interests were at stake. They had enjoyed statehood, and they were not willing to relinquish it. Their thoughts reverted to the early self-made constitutions of Watauga and Cumberland, which they had surrendered to become a part of North

¹See chapter on Education.

Carolina, and to acquire the right of citizenship. Now North Carolina was giving them away without their consent. With characteristic promptness and self-reliance, they provided their own remedy. That remedy was the organization of an independent State. It was the third effort at self-government.

138. The Convention.—Of the four Tennessee counties, Davidson County took no action; Washington, Sullivan, and Greene held county conventions, composed of two representatives from each captain's company. These county conventions elected representatives to a general convention.

These representatives met at Jonesboro, August 23, 1784, and organized by electing John Sevier president, and Landon Carter secretary. A committee was appointed, of which William Cocks was chairman, to consider the situation. This committee promptly reported, recommending that the counties of Washington, Sullivan, and Greene should form themselves into an association, and should petition Congress to accept the cession of North Carolina and to permit the inhabitants of the territory to form a government, which shall be admitted into the Union as a State, and further that any contiguous portion of Virginia that may so desire, and shall obtain the consent of the State and of Congress, shall be permitted to unite with this State; that steps be taken to frame a constitution, and to send commissioners to urge the consent of Congress.

This report was adopted by a vote of twenty-eight to fifteen. Messrs. Cocks and Hardin were then appointed to prepare a plan of organization. This committee reported the next day, recommending that a convention be elected for the purpose of framing a constitution, that provision be made for support of a commissioner to "negotiate our business in Congress," and that all agree to pledge their lives and fortunes to the support of the association. This report was adopted, and a convention was called to meet at Jonesboro, September 16, for the purpose of framing a constitution.

The new convention which had been called for September 16, failed to meet at the appointed time, but convened at Jonesboro in November, and adjourned without taking any decisive action. In the meantime the General Assembly of North Carolina repealed the act which ceded Tennessee to the United States, and also passed an act forming the militia of Washington District into a brigade, and appointed John Sevier brigadier-general.

Sevier and others thought that no further action should be taken

towards the formation of a new State. But a public sentiment had been aroused which the leaders could not control. Sevier yielded, and went with his people.

139. Franklin.—A new convention was elected, which met at Jonesboro, and elected John Sevier president, and F. A. Ramsey secretary. The convention adopted a constitution, subject to ratification or amendment, or rejection, by a future convention to be chosen by the people, which convention should meet at Greeneville, November 14, 1785. In the meantime the provisional constitution was put into operation, and under it a legislature was elected. This provisional constitution has, unfortunately, been lost, and historians can only conjecture its provisions.

The new legislature met at Jonesboro, and organized by electing Landon Carter speaker, and Thomas Talbot clerk, of the Senate; and William Cage, speaker, and Thomas Chapman, clerk, of the House of Commons.

John Sevier was then elected governor, and David Campbell judge of the Superior Court, and Joshua Gist and John Anderson, assistant judges. The Legislature adjourned March 31, 1785. Many of its acts are very interesting. (A synopsis of these acts is given in Ramsey's *Annals*, pp. 293-299.)

An act which caused much criticism and merriment was the Currency Act, providing that various articles should be received as money at fixed prices—coon skins, fox skins, tallow, whisky, peach or apple brandy, sugar, tobacco, etc. The State of Franklin was now fully in operation, with John Sevier as governor. It still lacked a permanent constitution, and the consent of North Carolina and of Congress.

Formal notice was served on Governor Martin of North Carolina, who at once issued a manifesto to the inhabitants of Washington, Sullivan, and Greene, which was a note of conciliation and warning. Sevier replied, and a war of manifestoes followed. Then came a period of conflict of authority between the partisans of Franklin and the partisans of North Carolina. Though threatening to lead to civil war, yet these conflicts were bloodless. Never has the Anglo-Saxon moderation of character been more conspicuously illustrated.

140. The Constitution.—In the midst of this disturbed state of affairs a constitutional convention met at Greeneville, November 14, 1785. Rev. Samuel Houston, on the part of the committee appointed for that purpose, presented a "Declaration of Rights, also the Constitution or Form of Government Agreed to and Resolved upon by the

Representatives of the Freemen of the State of Frankland." This proposed constitution is the most interesting relic which has been preserved of this short-lived State. The classical men of the period, such as Rev. Samuel Houston and General William Cocke, desired to give the new State a classical name. The committee of this convention, appointed to prepare a constitution selected the name "Frankland"—Land of the Free. The constitution which they proposed contained some quaint features. No person is eligible to office unless he possesses certain property qualifications, or if he can be proved to be guilty of immorality, profane swearing, drunkenness, Sabbath-breaking, gaming, etc., or if he shall deny by word or writing that the Scriptures are given by divine inspiration, that there are three divine persons in the Godhead, etc. The constitution was required to be put in the form of a catechism, and taught in the schools, and a copy to be furnished to every citizen. A tribunal of twenty-four members is provided, as inspectors of the State, who shall examine into the acts of public officers, to see whether they have observed the constitution and laws, with power of impeachment, regulating salaries, etc.¹ This constitution was rejected by the convention, and a hasty vote was taken, adopting the constitution of North Carolina, with few changes, and the name of the State was declared to be Franklin.

By whom and when the State was given the name "Franklin" can not be exactly determined. Before the meeting of this convention, it was commonly known as Franklin. John Sevier, writing to Governor Patrick Henry, of Virginia, dates his letter, Franklin State, July 19, 1785, and says: "The people on the western waters in No Carolina, for many Reasons too long to Trouble you with, have formed themselves into a new State by the name of Franklin, and have appointed their Governor." A certified copy of this letter is in possession of Col. John Allison.

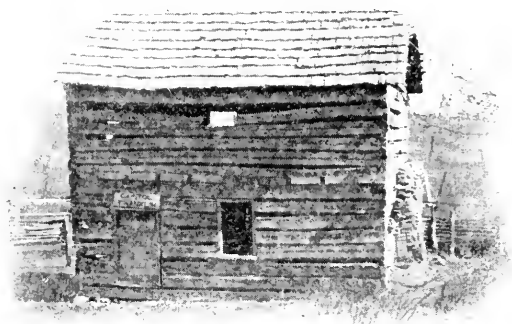
141. The Capitol of the State of Franklin.—At the Centennial Exposition in Nashville an old log house, shown in the annexed picture, was exhibited as the capitol of Franklin, having been removed from Greeneville for the purpose of exhibition. According to tradi-

¹ It is believed that only one complete copy of this curious document is in existence. This copy was procured by Dr. J. G. M. Ramsey, the historian, after the publication of his *Annals of Tennessee*, and was presented by him to the Tennessee Historical Society. Dr. Ramsey had previously obtained a mutilated copy, which he published in his *Annals*, with the remark that the remainder was lost. The complete copy, secured from the archives of the Tennessee Historical Society, was published in full, January, 1896, in the *American Historical Magazine of the Peabody Normal College at Nashville*, Vol. I, No. 1, pp. 48-63.

tion, this building was used from 1785 to 1787 as the capitol of Franklin. This, however, is disputed, as resting upon no testimony which can be adduced. Ramsey's statement that the county court-house at Greeneville was used as the capitol of Franklin, has been challenged on the ground that the court-house was not built until a later date. It is generally conceded that the old log house, here shown, was standing in 1785. In the absence of positive evidence, we may trust to the old tradition, and believe that it was, in some manner, used by the State of Franklin. Nothing that could be written could convey to us so vivid an idea of the condition of the times as the study of this old building, which has come down to the present as a monument of the past.

The picture here given is copied from a photograph taken in April, 1897, which represents this historic building as it now appears, deserted and dilapidated, but exhibiting the simplicity and solidity of its structure, and attesting how the conquerors of the wilderness had already subjected the primeval forest to the uses of pioneer life.¹

It had been fifteen years since the first cabin had been erected by William Been. In that short space of time a stream of population had poured in; law and order had been secured; two famous constitutions had been established—the



AN OLD HOUSE AT GREENEVILLE, SUPPOSED TO HAVE BEEN
THE CAPITOL OF THE STATE OF FRANKLIN.

"Watauga Association" and the "Cumberland Compact"; dwellings had been constructed from the resources of the wilderness, agriculture, primitive manufactures, and other appliances of civilization were rapidly developing; roads and other internal improvements were in progress. Our ancestors were well aware of the great resources in their possession, and they were using energetic means to convert these resources into wealth; and to prepare for their old age and for their

¹The photograph from which this picture is taken was furnished by Colonel John Allison, and a fac simile of it may be found in his valuable and interesting work, "Dropped Stitches in Tennessee History," opposite page 32.

posterity the comforts and appliances of civilization; but the elegance and luxury of accumulated capital were not yet within their reach. Whether this particular building, or some other of similar structure, was used as the capitol in this primitive period, its real ornaments can not be shown in a picture. Let us view them in imagination, as John Sevier and his hero pioneers assembled within its walls. Commanding in figure, noble in presence, picturesque in costume, frank, bold, just, and wise; all unconscious of their greatness, they formed a group which history can not adequately portray, and which posterity can never cease to admire.

142. The Decline.—The conservative and firm course of North Carolina, the reticence of Congress, the lack of resources of the new State, and the conflict of government were beginning to sap the strength of the State of Franklin. It soon became evident to Sevier that his government must collapse unless he resorted to force to maintain its authority. For the only time in his life, John Sevier showed vacillation—honorable vacillation. Pride and fidelity to his associates led him on—his sound judgment and kindly instincts held him back. He could not find it in his heart to involve his people in civil war. He refrained from violence, and permitted its government to go by default.

143. The Efforts at Compromise.—North Carolina continued to legislate and to execute her laws within the jurisdiction of Franklin. In 1786, her General Assembly erected Sumner County out of Davidson, and Hawkins County out of Sullivan, being the same territory which Franklin had assumed to erect into Spencer County. At this juncture, General Cocke and Judge Campbell were appointed commissioners to make an appeal to the General Assembly of North Carolina. Judge Campbell addressed Governor Caswell of North Carolina an able letter of remonstrance. General Cocke appeared at the bar of the General Assembly, and was accorded a hearing. In an address of great ability and eloquence, he touched the sympathy of the legislators, but failed to secure favorable legislation.

The next effort at compromise came from North Carolina. Colonel Evan Shelby was requested by Governor Caswell to hold a conference with Governor Sevier. This conference was held at the house of Samuel Smith, May 20, 1787. An agreement was reached, which was reduced to writing and signed by Shelby and Sevier. This was an agreement of mutual forbearance between the two governments until the meeting of the next General Assembly of North Carolina. Certain stipulations were made for carrying on the public business by

coöperation of the two governments. This compromise averted the danger of violence, and afforded present relief, but it was only a temporary expedient.

144. The Collapse.—The term of office of the members of the Legislature of Franklin had now expired, and the authority of the State was so weak that no elections were held to fill their places. Sevier's term of office was also near its close. He was ineligible to reelection, and there was no legislature to elect his successor. Thus, Franklin expired like the flickering lamp in which the oil is exhausted. The end came March, 1788, with the expiration of Sevier's term of office. Near the close of his administration, Governor Sevier became involved in a contest with Colonel Tipton, which was the nearest approach to violence in the history of Franklin. The North Carolina sheriff had seized some of Sevier's negroes, on legal process, and confined them at Tipton's house. Sevier, with a strong party of his friends, besieged Tipton's house. He could not be induced, however, to resort to violence. After lingering in a vacillating way until Tipton was reinforced, Sevier withdrew.

145. Sevier in Custody.—Soon after the expiration of his term of office as Governor of Franklin, Sevier was arrested on a warrant issued by Judge Spencer, on the charge of treason. The arrest was made by Colonel Tipton, who acted brutally upon the occasion. Sevier was handcuffed, and sent to Morganton, where he was placed in the custody of the sheriff of Burke County. Here he found warm friends and sympathizers among his King's Mountain comrades. After a short sojourn, he left Morganton without trial and returned home. The manner of his release or escape is variously stated. According to one statement, his old comrade, Cosby, accompanied by Sevier's son, followed him to Morganton, walked into the court where Sevier was arraigned, and addressing the judge sternly, asked, "Ain't you about done with this man?" Whereupon, Sevier walked out of the court, sprang upon his favorite horse, which was held in waiting for him, and rode rapidly away.

Recent researches of Dr. E. E. Hoss and Col. John Allison have proved that all these romantic statements, notwithstanding the sanction of the old historians, are erroneous. The records of Burke County, N. C., show that no court of any kind was in session in Morganton at or near that time. A manuscript statement of Maj. John Sevier, who was one of the party that went to Morganton to effect, if necessary, his father's release, gives an account of the whole affair.

As soon as it became known that Sevier had been carried away in handcuffs, a large meeting of his friends assembled at Jonesboro, armed, and ready to proceed to violence. It was decided to send Dr. Cosby, Maj. John Sevier, and three others, to Morganton. Upon their arrival, they found that Sevier's old King's Mountain comrades had already come to his relief. Generals Charles and Joseph McDowell had become his bondsmen. The sheriff, himself a King's Mountain veteran, had released him from custody. Sevier was found at the hotel, surrounded by veteran comrades. He left Morganton with his friend in open daylight, and unmolested.

146. Honors to Sevier.—Upon his return home, he was joyfully received by his old friends and neighbors, and nothing more was ever heard of his arrest. Soon afterwards he was elected to represent Greene County in the Senate of North Carolina. He attended the meeting of the General Assembly at Fayetteville, November 2, 1789. The act which debarred him from holding office was speedily repealed, and he was admitted to his seat, and soon afterwards reinstated as Brigadier-General of Washington District. In the same year, he was elected as Representative to the United States Congress from Washington District of North Carolina, which district coincided with the present State of Tennessee. He was the first member of Congress west of the Alleghany Mountains.

CHAPTER XV.

CUMBERLAND, 1783-1790.

147. 1783.—The year 1783 was full of events "pregnant with destiny" to the Cumberland settlers. April 14, North Carolina asserted jurisdiction by establishing Davidson County. In the early part of the year, the governor of North Carolina appointed commissioners to lay off the lands which had been granted by the State. October 6, the "Inferior Court of Pleas and Quarter Sessions" was organized at Nashborough. In June, the treaty of Nashborough was held with the Cherokee and Chickasaw Indians. September 3, the final treaty of peace was concluded at Paris, which closed the Revolutionary War and brought on the "Spanish Intrigues." Let us study the effects of these important events.

148. Davidson County.—The settlers on the Cumberland had established an independent government to provide for their necessities,

but they had never claimed or desired to be independent of North Carolina. They petitioned for recognition from the State, and were rejoiced when recognition was granted.

149. The Land Commissioners Arrive.—In 1782, Absalom Tatum, Isaac Shelby, and Anthony Bledsoe were appointed commissioners to select and lay off a tract, or tracts, of lands sufficient to meet all the grants which North Carolina had made to the officers and soldiers of the Revolutionary War. Early in 1783, these commissioners reached Nashborough, and entered upon their duties. Accompanied by a guard of one hundred men and an escort of many leading citizens from the Cumberland settlements, they proceeded to lay off the boundaries of the "Military Reservation." Beginning at a point near where Elk River crosses the southern boundary, and which has since been called "Latitude Hill," they ran the line, which has been styled the "Commissioners' line." The officers and soldiers were not satisfied with this reservation. In the same year, 1783, the Legislature passed an act designating the boundaries of the military reservation, which was laid off by commissioners the next year, 1784. The boundary of the new reservation is generally called the "Continental Line." There has been much confusion between these two reservation lines of North Carolina. This confusion was increased at a later date, when a third reservation line was run to make the boundaries which separated the public lands which the United States reserved, from the public lands of the State of Tennessee. This last named line is generally called the "Congressional Reservation Line." These three reservation lines and their several boundaries are represented on the Map of Public Lands and Reservation Lines.

The first commission in 1783, laid off, near Columbia, a tract of twenty-five thousand acres for General Greene, which had been granted by North Carolina, "as a mark of the high sense of his extraordinary services in the war of the Revolution." In 1791, Thomas Jefferson, Secretary of State, made a report to Congress on the condition of the public lands. The student is referred to this report. The following quotation alludes to the above mentioned commission: "2nd. Grants to Isaac Shelby, Anthony Bledsoe, and Absalom Tatum, commissioners for laying out the military boundaries, and to guards, chain carriers, markers, and hunters, who attended them, already issued to

the amount of sixty-five thousand nine hundred and thirty-two acres, located in the military district."¹

150. Effects of the Bounty Land Grants.—The location of bounty lands had the effect of bringing to the feeble settlements in Middle Tennessee what they needed above all other things, a stream of hardy immigrants. Veteran soldiers of the Revolution came to settle on their land grants, and with them came their families and many of their friends and neighbors. This tide of immigration brought to Tennessee a large element of her best population. It more than compensated for the irritation of the Indians by providing a strong reinforcement of experienced and hardy defenders. Nevertheless, the Indian hostility was a present calamity, and was promoted by the land surveys. As an evidence of the Indian sentiment, may be mentioned the reply of the Indian chief, Hanging Maw, to John Peyton. A party of whites had been surprised by the Indians, and in their flight had left behind a surveyor's compass. About a year afterwards negotiation was begun to recover the compass. The Indian chief replied: "You, John Peyton, ran away like a coward, and left all your property. As for your *land-stealer*, I have broken that against a tree."²

151. The Treaty³ of Nashborough.—Among the most important events of the year was the treaty which was begun and concluded with the Chickasaws and Cherokees, in the month of June, 1783, at a sulphur spring about four miles from Nashville on the Charlotte road, and since known as Cherokee Spring. This treaty with the Indians was called by Colonels Donelson and Martin, commissioners of Virginia. It was held by permission of the Cumberland settlers. Many persons, and among others James Robertson, were opposed to permitting the Indians to assemble in the midst of the Cumberland settlements. Finally, the matter was submitted to a *vote of the people*. The election resulted in granting the permission, by a small majority. The Indians accordingly assembled in large numbers to meet the commissioners of Virginia. They were hospitably enter-

¹Imlay's America, p. 588; American State Papers; Putnam, p. 172; American Historical Magazine, Vol. II, Number 4 (October 1897) pp. 303 *et seq.* (Article of James McCallum); 2 Meigs' Digest, p. 664; Acts 1783, chapter 3, §7; 2 Haywood & Cobb's Laws, p. 32.

²Putnam, p. 247.

³A conference with the Indians was called a "Talk," or a "Treaty." The term "Treaty" was also applied to a written agreement.

tained by the Cumberland people, and the occasion became one of festivity, enlivened by games and athletic sports.¹

152. The Chickasaw Cession.—At this conference, or treaty, the Chickasaws ceded to North Carolina the tract of country extending from the Cumberland River south to the ridge dividing the waters that flow into Duck River from the waters that flow into the Cumberland. This treaty, although not authorized or recognized by the United States, was sacredly observed by the Chickasaws, and secured their cordial and lasting friendship to the Cumberland settlers. The terms of this treaty were subsequently confirmed by the United States by "the treaties of Hopewell, concluded with the Cherokees on the 28th day of November, 1785, and with the Chickasaws, on the 10th day of January, 1786."²

153. Causes of Anxiety.—Although a preliminary treaty of peace had been agreed upon between Great Britain and the United States, yet it was not to go into effect until ratified by our allies, France and Spain. There were important points at issue between these powers and Great Britain. Among them were questions connected with Florida and the Mississippi River. In these questions the Cumberland settlers were deeply interested. While they rejoiced in the temporary respite from war, they looked anxiously to the future. Still harassed by the guerrilla warfare with the Cherokees and Chickamaugas, they dreaded a renewal of dangerous invasions, if the treaty should fail, and the British should again become allies of their savage foes. They also feared that the conclusion of the treaty would leave Great Britain in possession of Florida and in control of the mouth of the Mississippi River. In this event they foresaw annoyance to their commerce, almost the prohibition of the use of the Mississippi, and active Indian hostilities.

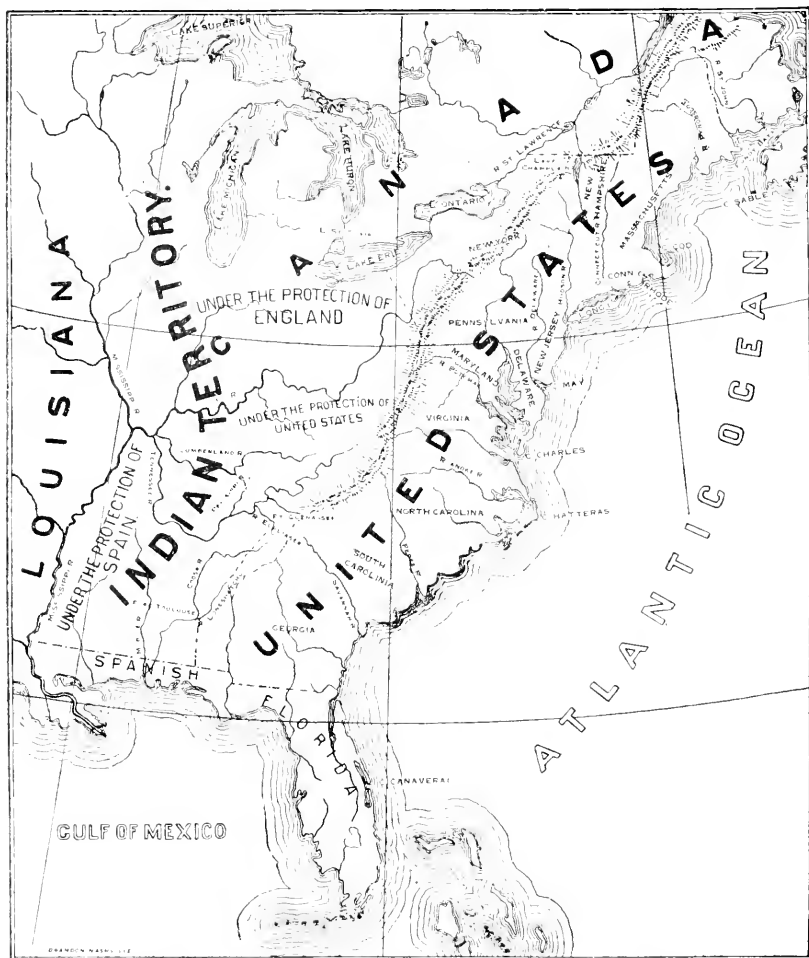
154. The Final Treaty of Peace.—When the Definitive Treaty of Peace was concluded, September 3, 1783, the Cumberland settlers learned with joy that Florida was ceded to Spain, and the control of the Mississippi had passed into the hands of one of our allies, who, though not an active ally like France, had aided our struggle for

¹The historians differ somewhat. See Putnam, p. 104; Haywood, p. 361; Monette, Vol. II, pp. 216, 268; Ramsey, pp. 459, 489; American State Papers, Folio Edition, Vol. I, p. 15, Vol. V, p. 432. See map of Indian Treaties, page —; also Jefferson's Report of 1791, Inlay, page 586, and American State Papers; Ramsey, p. 463.

²See Putnam, pp. 238-241; Jefferson's Report of 1791; Inlay, p. 586; and American State Papers.

independence, had overrun Florida during the war, and had forced its cession from Great Britain. They looked forward to the cessation of Indian invasions, and to favorable terms for the navigation of the Mississippi.

Deep was their disappointment when they found that instead of a friend and ally, they were to encounter a wily and treacherous enemy.



THE INDIAN RESERVATION PROPOSED BY SPAIN AND FRANCE.

Then began the peculiar period of Western history, known as the period of the "Spanish Intrigues." The policy of Spain had been

foreshadowed in 1781, and later at Paris in the negotiations preliminary to the treaty of peace.

155. The Spanish Intrigues.—In June 1781, France, at the instigation of Spain, persuaded the Congress of the United States to pass a resolution consenting that peace might be made on terms satisfactory to France, provided only that the Independence of the United States should be acknowledged.¹ When the real purpose of France and Spain came to be understood, this resolution was repealed. Spain, although wishing to strike England by aiding in the revolt of her colonies, was no real friend of the United States. On the contrary, Spain was alarmed at the principles of freedom which formed the basis of American institutions, and feared that these principles would spread among the Spanish American colonies.

156. Plan to make the Western Country a Vast Indian Reservation.—France coöperated with Spain in the effort to limit the western boundary of the United States to the Alleghany Mountains.² In the peace negotiations at Paris in 1782, our two allies urged our Commissioners to consent to this limitation. It was proposed that the entire western country should constitute an Indian reservation, to be divided into three parts; that the portion north of the Ohio River should be under the protection of Great Britain; the portion between the Ohio River and Florida should be divided into two parts, the eastern part to be under the protection of the United States, and the western part, under the protection of Spain. This purpose was defeated by the firmness of our commissioners and the magnanimous action of Great Britain, and our boundaries were extended to the Mississippi River on the west and the Great Lakes on the north.

157. Continuation of the Spanish Intrigues.—Being foiled in the purpose of establishing an Indian Reservation as a barrier between her American possessions and the United States, Spain had to be content for the present with acquiring Florida. With this acquisition,

¹ This action of Congress was taken in secret session, but rumors began to circulate which caused alarm throughout the country, and aroused deep resentment in the West. At a later period, when the Virginia convention was considering the question of the ratification of the Constitution of the United States, this action of Congress was investigated, and was severely condemned by Patrick Henry. It came very near preventing the ratification of the Constitution. See Virginia Historical Collections, Vol. IX, New Series, Virginia Convention, Vol. I, pp. 230-247.

² See Narrative and Critical History, Justin Winsor, Vol. I, chapter 2, entitled "Peace Negotiations of 1782-1783," by Hon. John Jay; Marbois' History of Louisiana, pp. 149-153; Bancroft, Vol. VI, pp. 441-484.

she obtained control of the mouth of the Mississippi and of all the streams which flow into the Gulf of Mexico.

As soon as peace was concluded in 1783, Spain began the secret operations against the western settlements in Tennessee, Kentucky, and the Northwest Territory, which historians have denominated the "Spanish Intrigues." Her first efforts were addressed to the work of inciting the Indians to hostilities against the infant settlements, with the purpose of forcing the English settlers to abandon the country. To effect this purpose, the Spanish governors resorted to every artifice known to diplomacy to incite the Indians by secret means. At a later period, the policy of Spain was materially changed, and was directed to conciliate the western people and to induce them to separate from the United States, and to establish an independent government in alliance with Spain. Let us now examine the first period of the "Spanish Intrigues," which extended from 1783 to about 1788.

158. Active Hostilities of the Indians.—Just as the Cumberland settlers were beginning to look for rest from savage warfare, which had so long harassed them and retarded their growth, they were confronted with an unusual activity among the Southern Indians. They were slow to believe that their old ally, Spain, was instigating and aiding the Indian aggressions, but the conviction was gradually forced upon them, and brought a sense of anxiety. Although beginning in 1783, the Spanish intrigues were not fully developed until a few years later, when the Indian hostilities and the restrictions on the use of the Mississippi River became disastrous to the interests of the Southwest.

159. State Court Established.—Steadily growing, in spite of all obstacles, the Cumberland settlers felt the need of a court of justice whose powers emanated from the State. January 7, 1783, the Court of Notables, the tribunal of the Cumberland Compact, had been revived, and its jurisdiction enlarged, but a court whose powers rested only on general acquiescence was manifestly inadequate to the demands of the growing community, and its authority was weakened when Davidson County was established by State authority. The situation was relieved by the governor. He appointed Isaac Bledsoe, Samuel Barton, Francis Prince, and Isaac Lindsay judges of the "Inferior Court of Pleas and Quarter Sessions" for Davidson County. This court was organized October 6, 1783, at Nashborough. Andrew Ewing who was at the time clerk of the Court of the Notables, was appointed clerk of the new court. The "Cumberland Compact" now

passed out of existence, except so far as its precedents served to supplement the laws of North Carolina.

160. 1784.—In this year the name of Nashborough was changed to Nashville. It was in August of this year that the movement began to establish the State of Franklin. In this movement Davidson County took no part. Of the four counties of Tennessee, Washington, Sullivan, and Greene were geographically connected, and were all the offspring of the Watauga settlement. Davidson County was geographically distinct. The two centers of population were about three hundred miles apart, with no common interests except sympathy and community of danger from Indian neighbors. It thus happened that the Cumberland had no share with the Watauga in the glory of King's Mountain, or in the organization of Franklin. The time was not far distant, however, when the spread of population and the facilities for intercommunication should unite these two communities who began their careers so far apart. In June of this year occurred an event of dangerous import to the Western settlers, and especially to the citizens of Davidson County. The three Spanish governors met at Pensacola, Fla., and entered into a treaty with the celebrated Creek chief, Alexander McGillivray. It was the purpose of this treaty to bring the powerful Creek nation to the aid of the Cherokees and Chickamaugas, and to unite all the Southern Indians in the movement to drive the Cumberland settlers from the country.¹ It was well for the Cumberland people that hardy immigrants were coming to aid them to meet this new danger.

161. New Counties.—With the increase and spread of population came the necessity for establishing new counties. November, 1786, Sumner County was formed from Davidson. In November, 1788, Tennessee County was formed from Davidson. This latter county gave up its name when the State of Tennessee was admitted, and its territory was divided and organized into two counties.

162. The Coldwater Expedition.—The Indian aggressions had become so atrocious in 1787 that Colonel Robertson determined to submit to them no longer. Learning from the friendly Chickasaws that the Indian station, for carrying on their depredations, was located at Coldwater, a famous spring (now Tusculumbia, Ala.), he determined to carry the war into the enemy's country. Taking two Chickasaw guides, one of whom was named Toka, he made a rapid march, with one hundred and thirty men, commanded by himself, Colonel Robert

¹ Putnam, p. 221.

Hays, and Colonel James Ford. The expedition was conducted with secrecy and skill, and was entirely successful. The town of Coldwater was completely surprised. The Indians were routed, almost without resistance. About twenty-six Creek warriors were killed, and a few other Indians. The town was destroyed, and a large store of goods was captured. These goods were the property of French traders. This led to a correspondence between General Robertson and Mons. Cruzat, the French commandant at St. Louis.¹

Colonel Robertson was severely censured for this expedition, and published a letter in defense of his action.

163. Judicial Districts.—In November, 1784, the Judicial District of Washington was created by the General Assembly of North Carolina, including all of what is now Tennessee, and comprising Washington, Sullivan, Greene, and Davidson counties. In November, 1788, a new judicial district was cut off from Washington District, and was named Mero District. It comprised Davidson, Sumner, and Tennessee counties. The creation of Mero District marks not only the rapid development of Middle Tennessee, but also to the beginning of the second period of Spanish policy.

164. Mero District.²—Don Estevan Miro, in 1788, was made Governor and Intendant of Louisiana and West Florida. With his administration came a change in the policy of Spain. The futility of the efforts to drive the Western settlers from the country had been demonstrated. Miro now began the policy of conciliation. He employed agents to win the confidence and favor of the Western people, to inflame their resentment against the coldness to their interests which had been shown by the Federal Government, and to offer the inducements of the free navigation of the Mississippi, and the suppression of Indian hostilities, as the price of establishing a Western republic in alliance with Spain. The whole of this policy was not at first revealed, but its pacific character was gratifying to the West, and especially to the Cumberland people, who had suffered most from Spanish diplomacy.

When the new Western judicial district came to be named, it was a stroke of policy, as well as an expression of gratitude, to name

¹See correspondence of General James Robertson, *American Historical Magazine*, Vol. I, No. 1, p. 76 (January Number, 1896).

²An interesting account of Mero District may be found in the article of Colonel John Allison, *American Historical Magazine*, Vol. I, No. 2, p. 115 (April Number, 1896); also, *Dropped Stitches*, in *Tennessee History*, p. 86. The student may also consult *American Historical Magazine*, pp. 87, 88, 109-112.

it in honor of Don Estevan Miro, the exponent of the new and apparently friendly policy of Spain. In giving the name, however, it assumed the English spelling with the Spanish pronunciation. It is said that the name was suggested by James Robertson.¹

165. The Second Cession.—The time had now arrived when the two distant settlements of Watauga and the Cumberland had so expanded that they had reached out toward each other, and were ready to unite in one government. The Constitution of the United States had been adopted by the convention in 1787. It had been ratified by a sufficient number of States, and went into operation in 1789. George Washington, as president, had inspired the whole country with confidence in the benevolence and firmness of the Federal government. North Carolina had held aloof from the Union, and took no part in the first presidential election. Finally, her objections were overcome, and she entered the Union. One of her first acts was to make to the United States a second cession of her Western territory, which is now Tennessee. The deed of cession was made February 25, 1790, and was very differently received from the former cession. There were many reasons for this. The Congress of the Confederation had passed the ordinance of 1787 for the government of the Northwest Territory, and had outlined its territorial policy. The people felt more confidence in the new Federal government than they had felt in the Confederation. The second act of cession by North Carolina contained provisions and stipulations for the protection of the people of the ceded territory which the first cession had not contained. The whole territorial question was now better understood, and the people of Tennessee saw that it was the most speedy means to acquire separate statehood. The cession act was, therefore, cordially received in 1790.

CHAPTER XVI.

THE SOUTHWEST TERRITORY.

166. Organization.—The cession of North Carolina was accepted by Congress April 2, 1790. June 8, President Washington commissioned William Blount, Governor of the Territory of the United States

¹In this connection refer to the correspondence of General James Robertson with McGillivray and Miro, *American Historical Magazine*, Vol. I, pp. 80-88, 107-112 (January number, 1896.) Putnam and Roosevelt are in error in assigning the Miro letter to the year 1783.

South of the River Ohio. ¹September 20, Governor Blount took the oath of office before James Iredell, one of the Associate Justices of the Supreme Court. October 22, he performed his first official act as governor by laying off and organizing "Washington County in the Territory of the United States of America South of the River Ohio." This act was speedily followed up by "laying off and organizing" the remaining counties embraced in the North Carolina cession into corresponding counties of the "Territory of the United States South of the River Ohio," viz.: Sullivan, Greene, Davidson, Sumner, Hawkins, and Tennessee counties.

167. County Organization Completed.—As each county was designated and "laid off," the governor made the administration of its affairs effective and complete by establishing courts and military



WILLIAM BLOUNT,
Governor of Southwest Territory,
and United States Senator.

organizations, and by appointing the county officers—justices of the peace, sheriffs, deputy sheriffs, constables, registers, coroners, clerks of courts, county attorneys, militia officers, etc. He, also, issued licenses to practice law. Among those appointed county officers were John Sevier, James Robertson, James Winchester, Landon Carter, James Allison, David Allison, John Rhea, Charles Robertson, Edward Tate, James White, Stockly Donelson, Joseph McMin, Francis Alexander Ramsey, John Rains, Andrew Ewing, Isaac Bledsoe, Kasper Mansker, Ezekiel Polk, Luke Lea,

Charles McClung, Nicholas Perkins, Howell Tatum, and others whose names are well known in the early annals.

168. Judicial Districts.—The territory was divided into two judicial districts. The four eastern counties, Washington, Sullivan, Greene, and Hawkins, constituted the Judicial District of Washington. The three western counties, Davidson, Sumner, and Tennessee, constituted the Judicial District of Mero. In each of the several counties, justice was administered by the "Inferior Court of Pleas and Quarter Session," which consisted of justices of the peace,

¹See Governor Blount's Journal, American Historical Magazine, Vol. II, pp. 213-277 (July number, 1897). This journal is an epitome of the history of the Southwest Territory. Names are given as spelled therein.

appointed by the governor. This court was similar to our present county court, but was clothed with more extensive powers, judicial and legislative. The territorial courts were held in each of the two judicial districts. This court was styled the "Superior Court of Law and Equity." These judicial districts, serving as a convenient division of the territory, were also made military districts.

169. Territorial Appointments by the President.—The principal officers of the territory were appointed by President Washington, as follows: William Blount, governor; David Campbell, ¹John McNairy, Joseph Anderson, judges "in and over the territory," etc.; ²Daniel Smith, secretary "in and over the territory," etc.; ³John Sevier, brigadier-general for Washington District, and ³James Robertson, brigadier-general for Mero District.

In addition to his duties as governor of the territory, William Blount was, also, United States Superintendent of Indian Affairs. In his service, Hugh Lawson White, Willie Blount, and Richard Mitchell, were his secretaries.

Governor Blount completed the territorial organization by appointing officers for a cavalry regiment for each of the two military districts, and subordinate judicial officers for each of the two judicial districts, and by licensing attorneys to practice in the superior courts.

170. Territorial Appointments by the Governor.—November 3, Governor Blount "appointed and commissioned Francis Alexander Ramsay Clerk of the Superior Court of Law for the District of Washington, and Andrew Russell Clerk and Master in Equity in the Courts of Equity for the same District."

"Appointed and commissioned in the cavalry of the District of Washington as follows: Thomas King, lieutenant-colonel; Francis Alexander Ramsay, first major; George Farragut (father of Admiral

¹John McNairy's name is not included as a territorial judge by Miller in his *Official and Political Manual*, p. 180; nor by Putnam, p. 336. Putnam, however, on the same page, alludes to an affidavit taken before Judge McNairy. Blount's journal, *American Historical Magazine*, Vol. II, No. 3, p. 230, states that John McNairy presented his commission, dated June 8, 1790, and was sworn into office December 15, 1790. He is several times officially mentioned in Blount's journal. June 5, 1793, an ordinance is addressed to David Campbell, John McNairy, and Joseph Anderson, judges "in and for the said territory."—*Ibid.*, p. 255.

²Putnam, also, leaves the inference that Daniel Smith was appointed by Governor Blount. The journal of Blount, however, *American Historical Magazine*, p. 231, shows that he was appointed by President Washington.

³Putnam is, likewise, mistaken in stating that Sevier and Robertson were commissioned major generals.

Farragut), second major." He also appointed the company officers for the cavalry regiment.¹ November 1, he licensed Archibald Roan, Joseph Hamilton, Waightstill Avery, and James Rees "to practice as attorneys in the several courts of law and equity." November 22, a similar license was granted to John Rhea. December 15, the same day on which the District of Mero was organized, license "to practice as attorneys in the several courts of law and equity in the Territory" was granted to Josiah Love, John Overton, *Andrew Jackson*, David Allison, Howell Tatum, James Cole Mountfloreance, and James White.² On the same date the following field officers were appointed for the cavalry in Mero District: Robert Hays, lieutenant-colonel; Edwin Hickman, first major; George Winchester, second major, together with the usual complement of company officers.

David Allison was appointed Clerk of the Superior Court of Law for Mero District, and Joseph Sitgreaves Clerk and Master in Equity. February 15, 1791, William Cocke was appointed Attorney-General for the District of Washington, and *Andrew Jackson* for the District of Mero.³ Somewhat later, September 10, 1792, Andrew Jackson received his first military appointment, "Judge-Advocate for the Davidson Regiment."

171. Governor Blount's Policy.—Governor Blount showed, in the organization of the territory, great executive ability and tact, as well as a just regard to the rights and wishes of the people. He fully understood that the people were satisfied with the territorial government only because they looked upon it as an apprenticeship to prepare them for statehood. He, therefore, called their trusted leaders to his councils, and secured their hearty coöperation. Although clothed, as Governor, with autocratic powers, he exercised them in such a way as to appear, and really to be, an instrument for executing the popular will. This plainly appears from the following entry in his journal: "These and all other commissions issued by the governor, were to continue during good behavior or the existence of the *temporary government* of the United States of America South of the River Ohio." He facilitated every step towards statehood. This wise and magnanimous course made him trusted and beloved by his people, and furnished one of the few instances in American history of a *popular autocrat*.

¹ Blount's Journal in *American Historical Magazine*, Vol. II, p. 229 (July number, 1897).

² *Ibid.*, pp. 227, 229, 232.

³ *Ibid.*, pp. 234, 247.

172. The Territorial Legislature.—The people of the "Territory of the United States South of the River Ohio" asserted the right which the American people always exercise towards institutions which they love. They abridged the long name by which their Territory was known in legislation, and assigned to it the popular soubriquet of the "Southwest Territory." Although this name was never recognized in Federal legislation, yet it came to be almost universally adopted by the whole country, and generally by historians.

"The Southwest Territory" now demanded a territorial legislature. Governor Blount sympathized with this demand. October 19, 1793, he issued an ordinance affirming that proof had been made "that there are five thousand and upwards of free male inhabitants of full age in the said Territory." He caused a census to be taken, and ordered an election for representatives to the Territorial legislature to be held on the third Friday and Saturday of December, "qualified as provided by the Ordinance of Congress of July 13, 1787." The election was duly held, and the Territorial legislature assembled at Knoxville, February 24, 1794.¹

173. The Personnel of the Legislature.—This legislature consisted of thirteen members. It is interesting to note their names: David Wilson of Sumner, speaker; Leroy Taylor and John Tipton of Washington, George Rutledge of Sullivan, Joseph Hardin of Greene, William Cocke and Joseph McMin of Hawkins, Alexander Kelly and John Beaird of Knox, Samuel Wear and George Doharty of Jefferson, James White of Davidson, and James Ford of Tennessee. Hopkins Lacy was elected clerk. The following were nominated by the legislature to compose the Council of the Territory: James Winchester, William Fort, Stockly Donelson, Richard Gammon, David Russell, John Sevier, Adam Meek, John Adair, Griffith Rutherford, Permenas Taylor, from which number Griffith Rutherford, John Sevier, James Winchester, Stockly Donelson, and Permenas Taylor, were selected and commissioned, by President Washington.

174. Progress.—During the six years of the existence of the Territory, the following new counties were established: Jefferson and Knox, in 1792, by ordinance of the Governor; Sevier, in 1794, and Blount, in 1795, by act of the Territorial Legislature. By ordinance of the governor, March 13, 1793, an additional judicial district was established comprising the counties of Jefferson and Knox, and designated Hamilton District.

¹ American Historical Magazine, Vol. II, pp. 257-262.

175. Indian Outrages.—While the country was making steady progress under the Territorial organization, the people, and especially those residing in the western portion, were subjected to daily incursions of the Indians. The Spanish diplomacy had now fully developed. The Spaniards had gained complete control over the Cherokees, Chickamaugas, Creeks, and Choctaws. The Chickasaws alone had resisted all their blandishments and remained the faithful allies of the Cumberland people. The other tribes under the influence of the crafty Creek chief, McGillivray, continued to maintain the anomalous position of peace with the United States and war with the people of



TAIL-CHIEF, CHEROKEE CHIEF.

the Southwest Territory. This murderous guerrilla warfare was conducted by small parties, who perpetrated outrages and then retreated into their own territory where the settlers were not allowed to follow them, being restrained by imperative orders from the Federal government. They thus escaped detection, and each tribe denied participation in the outrages.

176. The Federal Government Deceived.—While Spanish agents were secretly inciting, and even bribing the Indians to continue hostilities, and were aiding them

with arms and supplies, the Spanish representatives at Washington were professing friendship, and using adroit means to convince the Federal authorities that the hostility of the Indians was caused by the aggressions of the white settlers. With apparent sincerity they tendered the service of Spain to aid in pacifying the Indians, and held out as a bait the readiness of Spain to enter into a favorable treaty for the navigation of the Mississippi. So plausible and successful were their representations as to dazzle the ill-balanced mind of Secretary Timothy Pickering, and even to mislead the calm judgment of George Washington.

177. Unjust Sentiment of New England.—To make matters worse, a strong sentiment of jealousy to the Southwest grew up among the people of New England and the Atlantic seaboard. This

jealousy arose partly from political, and partly from commercial reasons. The Northeastern politicians feared that the admission of new Western States would tend to destroy their political influence, and the merchants feared that the free navigation of the Mississippi River would create a commercial rival at its mouth. The influence of the Northwest thus united with Spanish influence to impede Western progress.¹

178. The Separatists.—In still another direction Spanish diplomacy was exerted, and reached a certain point of success. Agents were sent to inflame the Western people against the Federal government, and to urge them to form a separate Western republic in alliance with Spain. This movement was more successful in Kentucky than in the Southwest Territory. Some of the Western leaders were bribed, and a party of separatists was formed. With the exception of some diplomatic correspondence with Sevier, at a time when the Franklin government was in extremity, and with Robertson, when the very existence of the Cumberland settlement was imperiled by Indian hostilities, this phase of Spanish intrigue made little progress in Tennessee. After the organization of the territory, its influence was hardly felt. The contemporaneous intrigues of the French Minister Genet were, likewise, without effect in the Southwest Territory. For this reason the Indian hostilities were the more relentlessly pressed against the Southwest Territory, and especially against Mero District.

179. Indian Atrocities.—The six years of the existence of the Southwest Territory was a period of constant struggle with the Indians. The annals are full of Indian atrocities, depredations, murders, mutual complaints to the Federal authorities, conferences, treaties; all interspersed with occasional battles. Throughout the period, is found Indian aggression, accompanied by restrictions and reprimands from the Federal government to the territory, amounting almost to denying the people the right of self-defense.² During the year 1792

¹The student may perhaps doubt the accuracy or the candor of our own historians—Haywood, Ramsey, and Putnam. He is referred to a distinguished author, who is a native of the Northeast, a candid and accurate historian, a soldier in the Spanish war, now Governor of New York (1900), and one of the ablest statesmen in the United States. He paints a passionless and vivid picture of the injustice of the Northeastern States toward the Southwest during this period, and clearly portrays the Spanish intrigues. See Roosevelt's "Winning of the West," Vol. III, Chap. 3, and especially pp. 98-106; also, Vol. IV, pp. 101-171.

²See Haywood, Ramsey, Putnam, Roosevelt, Blount's Journal, Correspondence of James Robertson, American Historical Magazine, etc.

more than sixty of the inhabitants were murdered near their own firesides by skulking parties of Indians, among whom were Col. Anthony Bledsoe, and three sons of Valentine Sevier; a much larger number were wounded, among whom were Gen. James Robertson, and his son; many were carried off as prisoners. The *Knoxville Gazette* published a list of twenty-one citizens of the territory held in slavery by the Creeks.

180. Indian Battles.—Although pretending to be at peace, and endeavoring to avoid detection in their piratical excursions, the Indians were occasionally guilty of such overt acts that the identity of the perpetrators could not be concealed. Such invasions were open acts of war, yet the Federal authorities, who claimed the right to control the Indian relations, pursued the policy of chiding the inhabitants of the territory for provoking the Indians, prohibiting retaliation, and declaring that the Indians were in a state of peace. The Indians, thus unchecked became every day more aggressive. June 26, 1792, a strong band of Creeks attacked and captured Zeigler's Station, a block-house fort near Cairo in Sumner County. ¹About thirty persons, including women and children, had taken refuge in this fort. Of these, "five were killed, four wounded, eighteen taken prisoners, three or more escaped."

181. Blount Deceived.—Previous to the capture of Zeigler's Station, General Robertson had received notice from Opimingo, the friendly chief of the Chickasaws, that the Creeks were planning an invasion. He entreated permission to anticipate the movement by attacking them in their own country, but was prohibited by Governor Blount, acting under instructions from the Federal authorities. The remedy which Blount proposed was to hold a friendly conference with the Indians. May 26, he wrote Robertson, informing him of a conference which he had just held at Coyatee at which 2,000 Indians were present, who saluted the American flag with demonstrations of affection, and met Governor Blount with faces beaming with joy. The chiefs, Bloody Fellow, John Watts, Kittageska, and others declared themselves advocates for peace amid the acclamations of the assembled Indians. A similar meeting had been held a short time previously in Georgia between Superintendent Seagrove and McGillivray at the head of 2,000 Creeks. He is fully persuaded that Indian troubles are at an end, and thus concludes his letter: "I rejoice in my visit to Coyatee. The happy consequences in this quarter appear evident." The first act in the sequel has already been narrated. Just one month after the conference at Coyatee occurred the invasion which resulted in the capture of

¹Putnam, p. 378.

Zeigler's Station. This was to be followed in a short time by a still more formidable invasion.

182. Blount's Vacillation.—The capture of Zeigler's Station had taught the lesson of watchfulness to the people of Mero District, but not to Governor Blount. Even after the capture of Zeigler's Station his delusion remained. Disturbed for a few days by positive information of Indian preparations, he ordered General Robertson, September 12, to call out his brigade for defense. His suspicions being lulled to sleep by fresh assurances from the Indian chiefs, he sends to General Robertson, September 14, an order to disband the brigade, and says: "I heartily congratulate you and the District of Mero upon the happy change of affairs. I had really dreadful apprehensions for you." Two days later, September 16, Governor Blount again became alarmed, and ordered General Robertson and General Sevier to muster their brigades into active service at once. He wrote to Robertson: "The danger is imminent; delay not an hour." The letter arrived one day too late.¹ Before its arrival the Indians had already openly declared war against the United States, had invaded Mero District, and the battle of Buchanan's Station had been fought.

183. Buchanan's Station.

—The defense of Buchanan's Station was one of the most heroic and successful in the history of Indian warfare. An Indian force of Creeks, Cherokees, Chickamaugas, and Shawnees, commanded by the famous chief, John Watts, one of Governor Blount's "champions of peace," at the conference at Coyatee, had furtively approached this little block-house, and at midnight, September 30, while all but the guards were asleep, completely surrounded the inclosure, and



OLD FORT RIDLEY—NEAR BUCHANAN'S FORT.

From Picture in Featherstonhaugh.

¹American Historical Magazine, Vol. II, pp. 61, 65 (January number, 1897); Putnam, pp. 385, *et. seq.*

¹American Historical Magazine, Vol. II, pp. 71, 77; Putnam, pp. 390, *et. seq.*

rushed to storm the fort. Suddenly aroused, the garrison of fifteen men sprung to the defense, aided and encouraged by three or four women. During several hours of fierce and unrelenting assault, they made good the defense against a force variously estimated from three hundred to nine hundred, inflicting upon their assailants a severe repulse. Conspicuous in the fight was Mrs. Sally Buchanan in command of her female corps. They loaded guns, supplied the men with ammunition, acted as sentinels to watch doors and port-holes; when the supply of bullets began to fail, they molded bullets; and on pressing occasions fired upon the enemy. Towards morning the report of the swivel at Nashville was heard. This is a signal to the hard pressed little garrison that their distress is known to their brethren, and General Robertson is marching to their relief. The Indians understood the signal and silently retired. In the morning it was discovered that many of the Indians were mounted, and had carried off their dead and wounded. Three chiefs were killed—Kiachatalee, a Cherokee; Tom Tunbridge's stepson, a Cherokee, and a Shawnee chief. Seven were known to be wounded, among them John Watts, the leader of the expedition. From blood and other signs left on the ground, it was conjectured that many others were killed or wounded.¹

184. Invasion of Washington District.—After the severe blows dealt upon the Indians in 1781 by Campbell and Sevier, and in 1783 by Sevier, which had been followed by the Treaty of Hopewell, in 1785; and the repetition of these blows by Sevier in 1788, followed by the Treaty of Tellico in 1789, and the treaty of Holston in 1791, Washington District had been freed from any general invasion, although suffering from petty depredations. The vengeance of the Indians had been wreaked upon the more exposed and weaker settlements of Mero District. After the adoption of the Constitution of the United States by North Carolina, and the organization of the Southwest Territory, the Federal policy had tied the hands of the inhabitants of Mero District, and placed them at the mercy of the savages. This weak policy now bore its legitimate fruit. The Indians had committed so many outrages unchecked that they began to despise the white people, and boldly declared war against the United States. Instigated by McGillivray in the Spanish interests, they decided to invade the more populous and stronger settlements of Washington District.

¹American Historical Magazine, Vol. I, pp. 247-252 (July number, 1896); Vol. II, pp. 77-82; Putnam, pp. 392-397.

185. Defeat of Captain Handy.—The invasion of Washington District was begun by small bands of Indians, moving furtively through the country, committing murder and theft. These parties soon became larger and bolder. In November, 1793, Capt. Samuel Handy, under the order of General Sevier, was marching from Kingston with a mounted company of about sixty men, on his way to report to General Robertson at Nashville. There had been some rumors of Indians infesting the Cumberland Mountains, but Captain Handy did not expect to meet any formidable Indian force. While marching carelessly, he was suddenly attacked, near Crab Orchard, on the Cumberland Mountains, by a strong party of Cherokees, Creeks, and Shawnees, commanded by the Indian chief, Middle Striker. Capt. Handy behaved bravely, but his men were panic-stricken, and were utterly routed, with a loss of about twenty of their number in killed and wounded. Captain Handy was wounded and captured. His experience as a prisoner was somewhat similar to that of Capt. John Smith. The most romantic account of his captivity is that narrated by himself.¹

186. Captain Beard's Attack.—Governor Blount, Gen. James Robertson and General Sevier petitioned the Federal authorities in vain for permission to retaliate by an invasion of the Indian country. The Indian depredations continued. The situation became intolerable. The indignant population demanded to be led against the Indians. Those living along the borders could not be entirely restrained. Captain Beard made an attack for which he was subsequently tried by court-martial, and acquitted. His act was disowned by the Territorial authorities, and agents were sent to appease the Indians, and offer reparation.²

Soon after the above event, an Indian force more than 1,000 strong, composed of Cherokees and Creeks, destroyed Cavett Station, eight miles east of Knoxville, murdered the family of thirteen, except one boy, and ravaged the country.

187. Sevier Invades the Indian Territory.—So great was the popular indignation that Gen. Daniel Smith, acting governor in the absence of Governor Blount, assumed the responsibility to authorize General Sevier to invade the country of the Cherokees and Creeks. Sevier, with a force of about six or seven hundred men, moved with his accustomed celerity, and his expedition was crowned with complete success. He marched right through the Cherokee country.

¹ See narrative of Capt. Handy in *American Historical Magazine*, Vol. II, pp. 86-90. Ramsey, 571, 572.

² *American Historical Magazine*, Vol. II, pp. 367, 368 (October No., 1897)

Pausing for two or three days at Estinaula, an Indian village, to refresh his men, he burned the town, and pursued his way to the Indian town Etowah¹ (now Rome, Ga.), the Indians flying at his approach, and attempting no resistance, except an occasional skirmish. Upon reaching Etowah, October 17, 1793, he found an Indian force assembled under King Fisher (killed by Hugh Lawson White), one of their most noted leaders. Sevier made an immediate attack, and gained a complete victory. After burning the town, he led his troops home, having inflicted upon the Indians a crushing blow, and completed his last campaign. This victory brought a cessation of Indian hostilities against Washington District. Although a few predatory bands subsequently assailed the frontiers, the wars were practically ended, and John Sevier, the greatest of Indian fighters, who had "fought thirty-five battles, and had been thirty-five times a victor," henceforward devoted his energies to the victories of peace.²

188. Mero District Becomes the Battle-ground.—The tide of Indian warfare was now diverted to Mero District. The crafty McGillivray sought to direct his machinations against a weaker adversary. With a population much less in numbers, and more widely scattered, Mero District was more open to attack.

It was fortunate for Washington District that Sevier had completed his work during the governor's absence. It was unfortunate for Mero District that Robertson had not been permitted to make a similar campaign. The lower towns of the Chickamaugas, Nickajack, Running Water, and other villages, had become the rallying point for all hostile Indians. Protected by the Tennessee River in front, and by the regulations of the Federal government, the marauding parties found these towns convenient points of rendezvous, and secure points for retreat. From these points they harrassed the people of Mero District until the situation could no longer be endured. An atrocious outrage occurred April 21, 1794, near the northern boundary of Tennessee, in a locality which might have been supposed secure from attack. The two Bledsoe boys, both named Anthony, each of whom had lost a father by the hands of Indian banditti, one the son of Col. Anthony Bledsoe, and the other the son of Col. Isaac Bledsoe, were killed on Drake's Creek, in Sumner County, by a band of Indians supposed to be Creeks. Their mangled bodies were found,

¹ Pronounced "Hightower."

² Ramsey, pp. 583-589. American Historical Magazine, Vol. II, pp. 366-368 (October number, 1897); Vol. III, pp. 77-79 (January number, 1898).

partially stripped of clothing, and scalped. A negro man named Jack, who accompanied them, was captured and carried off by the Indians. The murder of these promising boys, who were beloved by all who knew them, caused deep grief and resentment among the settlers. These outrages so wrought upon the mind of General Robertson that he determined to throw aside the restrictions imposed on him by the Federal authorities, and by Governor Blount, and to act in defiance of orders.

189. Incidental Testimony.¹—The narrative of the murder of the Bledsoe boys has established, incidentally, two important facts. Our early historians have neglected to record the statistics of industrial improvements and of education. We can learn of the former only by a few permanent landmarks, which stand as monuments, and tell their own story; and we learn of the latter only by tradition, aided by occasional incidental allusions of contemporaneous writers. The record of the murder of these two boys testifies to the facts that the fine old farm residence, "Rock Castle," was built previous to 1794, out of rock quarried in the neighborhood, and that country schools had been established outside of Nashville previous to 1794.

Gen. Daniel Smith was born in Fauquier County, Virginia, October 29, 1748, and died at his residence, Rock Castle, in Sumner County, Tennessee, June 16, 1818, and is buried in the family cemetery near his residence. He was an accomplished civil engineer, and was one of the commissioners of Virginia in locating the line which is now the northern boundary of Tennessee. Subsequently he removed to Tennessee, and became one of the most distinguished of its pioneers. He served as Secretary of the Southwest Territory, as United States Senator from Tennessee, succeeding Andrew Jackson, as commissioner in treating with the Indians, etc. He was the author of a geography of Tennessee, containing the first map of the State made from actual surveys, published in Philadelphia by "Matthew Carey, book-seller." He located an extensive grant of land on Drake's Creek, near Hendersonville, in Sumner County. This tract of land has never passed from his descendants, or been divided. It is now the property of his great granddaughter, Mrs. Horatio Berry. After being increased by the purchase of adjoining lands, it contains

¹ The narratives of the early historians differ slightly. A careful study will make it clear, that "*Searcy*" Smith is a misprint for "*Secretary*" Smith, and later writers have perpetuated the error. See Haywood, p. 404; Ramsey, p. 607; Putnam, pp. 470, 502; Guild's *Old Times in Tennessee*, p. 26; Carr's *Early Times in Middle Tennessee*, pp. 41, 194.

more than four thousand acres, and is one of the most magnificent estates in Tennessee. Upon this tract, Daniel Smith built the stone house, which was famous in its day, and is now historic. It was built under his own supervision from rock obtained from the "*stone quarry*" which he opened a few hundred yards from the site. The stones were cut and laid with such precision as to form a structure perfect in workmanship, and so substantial that not a crack in the walls can be found to-day. Though old-fashioned in style, it remains a monument to the engineering skill of its builder. According to the family legends, the house was built in 1784.¹ The sad fate of the Bledsoe boys has placed on record that it was finished before 1794; for they



ROCK CASTLE.

were boarding in the house, going to school in the neighborhood, and were killed at the quarry on their way from school. As there is no record that there was any person at the quarry to take part in the fight, or to discover the presence of the Indians, it may be

inferred that their work had been finished, and the residence completed. The annexed picture, taken from a photograph of the building as it now appears, testifies to the progress which had been made in architecture by the Cumberland pioneers within a few years after they had planted their first colony, and began the conquest of the wilderness.

190. Nickajack Expedition Planned.—There was then living near Nashville a young man who seemed appointed by Fate to be the

¹ F. A. Michaux, who traveled through the country in 1802, and published a book in London in 1805, says: "Stopped at the house of General Smith, one of the oldest inhabitants of the country, where he had resided fifteen or sixteen years." This confirms the family legend. Michaux also says: "We likewise saw, *en passant*, General Winchester, who was at a stone house that was building for him on the road; this mansion, considering the country, bore the external marks of grandeur."

instrument for the destruction of the Chickamauga towns. In 1788, Col. James Brown, an old Revolutionary soldier, the father of Joseph Brown, was traveling with his family to settle on military lands which had been granted him near Nashville. After reaching the eastern portion of the Territory, he decided to travel the rest of the journey by water. The entire family, consisting of himself, his wife, five sons, and four daughters, together with a party of five men, accompanied by several negroes, embarked in a river boat, sometime in April or May. Descending the Tennessee River, the boat was passing the Chickamauga towns, when it was met by a fleet of Indian boats, and was captured by treachery. The father, with his two grown sons and the other five men, was brutally murdered, while the women, children, and negroes were made slaves. Young Joseph Brown, then about six years old, was held as a slave in the town of Nickajack for nearly a year. He and two of his sisters were released in exchange for prisoners captured by John Sevier. Later, his mother, his brother, and the other sisters were released or exchanged. Many of the Indians insisted on killing young Joseph Brown at the time of his capture. Especially, an old Indian woman prophesied that he would escape, and would be the means of destroying the town.¹ In the summer of 1794, the time had arrived when the prophecy of the old Indian woman was to be verified. Joseph Brown was sent, as the guide of a scouting party under Colonel Roberts, to select a route suitable for the invasion of the Chickamauga towns, and was subsequently one of the guides of the invading force. September 6, of the same year, General Robertson ordered Major Ore to invade the Indian country and destroy the Chickamauga towns. Major Ore, with 550 mounted infantry, crossed the Tennessee River, and on September 13, 1794, destroyed Nickajack and Running Water towns. The Indians were taken completely by surprise, and were routed with fearful slaughter. More than fifty were killed, and nineteen prisoners taken. The following extracts are taken from the report of Major Ore: "At Nickajack were found two fresh scalps, which had lately been taken at Cumberland, and several that were old were hanging in the houses of the warriors, as trophies of war; a quantity of ammunition, powder and lead, lately arrived there from the Spanish Government, and a commission for the Breath, the head man of the town, who was killed, and sundry horses, and other articles of property, were found, both at Nickajack and the Running Water, which were known by one or

¹ Putnam, pp. 304-308; Ramsey, pp. 508-517.

other of the militia to have belonged to different people, killed by the Indians."

"Two nights before the destruction of Running Water, a scalp dance had been held in it, over the scalps lately taken from Cumberland, at which were present, John Watts, the Bloody Fellow, and the other chiefs of the Lower Towns, and at which they determined to continue the war, in conjunction with the Creeks, with more activity than heretofore, against the frontiers of the United States, and to erect block-houses at each of the Lower Towns, for their defense, as advised by the Spanish Government."¹

191. Resentment Against the Federal Government.—General Robertson was severely censured by Governor Blount and by the Federal authorities for authorizing the Nickajack expedition. These censures led him to resign his commission as brigadier-general. He had the satisfaction, however, to know that his course met the enthusiastic approval of his people. The Secretary of War refused to pay the troops engaged in Sevier's invasion and in the Nickajack expedition. When an appeal was made to Congress, in 1798, for the pay of these soldiers, the Secretary of War, James McHenry, reported that the Nickajack expedition was "*offensive, unauthorized, and in violation of orders.*" Notwithstanding this adverse report Congress passed the bill making appropriation for their pay. The Territorial Legislature, early in September, 1794, sent a memorial to Congress petitioning a change in the Federal policy, and annexing a list of Indian atrocities—showing that between February 26 and September 6, 1794, sixty-seven citizens of the Territory had been killed by the Indians, ten wounded, and twenty-five captured, and that three hundred and seventy-four horses had been stolen. On the 24th of the same month, Hon. James White, the Territorial delegate, was instructed to lay before Congress this memorial, with an additional list, showing that one hundred and five citizens of the Territory had suffered by the cruelty of the Indians, "and to assure His Excellency that if the people of this Territory have borne with outrages which stretch human patience to the utmost, it was through our veneration for the head of the Federal Government," etc. Notwithstanding this "veneration" for President Washington many residents of the Territory felt deep resentment, even against *him*. Among these was Andrew Jackson who a few years later as Representative in Con-

¹ Ramsey, pp. 616, 617. Putnam, pp. 484, 485.

gress from the State of Tennessee, when the resolution of confidence and thanks to the retiring President came up for action, voted "No."

192. Indian Wars Ended.—Sevier's invasion, and the Nickajack expedition, followed by the news of General Wayne's victory in the North, and the threat of Kentucky to send General Logan with a large force to invade the country of the Cherokees and Creeks, broke the spirit of the hostile Indians. They sued for peace, which was granted. The wholesome lessons they had learned constrained them to a better observance of their treaty obligations. Although some minor depredations were subsequently committed along the borders they seemed to be acts of individual lawlessness, contrary to the wish of their tribes, and trifling in comparison with former outrages. ¹Numerous conferences, or "talks," or "treaties," were held with the Indians, among others one at Tellico, December 28, 1794; another with the Cherokees, Chickasaws and Creeks, November 30, 1795, and another June 24, 1796, etc., all of which conduced to peace and more friendly relations.

193. Looking to Statehood.—Even before the Nickajack expedition the people of the Territory had begun to take steps looking to statehood. In addition to the higher political plane to which they would be elevated as citizens of an independent State, the people looked to statehood as a means of acquiring greater power to protect themselves from Indian hostilities. The stream of immigration had been steadily flowing in, and they believed that the population was now sufficient to entitle them to admission as a State. The Territorial Legislature now took the preliminary steps with the official sanction of the Territorial Governor.

CHAPTER XVII.

THE SOUTHWEST TERRITORY BECOMES THE STATE OF TENNESSEE.

194. The Territorial Assembly Takes Preliminary Steps.—The first session of the Territorial Assembly met on the twenty-fifth day of August, 1794. It had no sooner met than it began to prepare the way for the admission of the Territory into the Union as a State. First, a resolution was passed, requesting the governor to cause a new census to be taken. Just before the session was prorogued an-

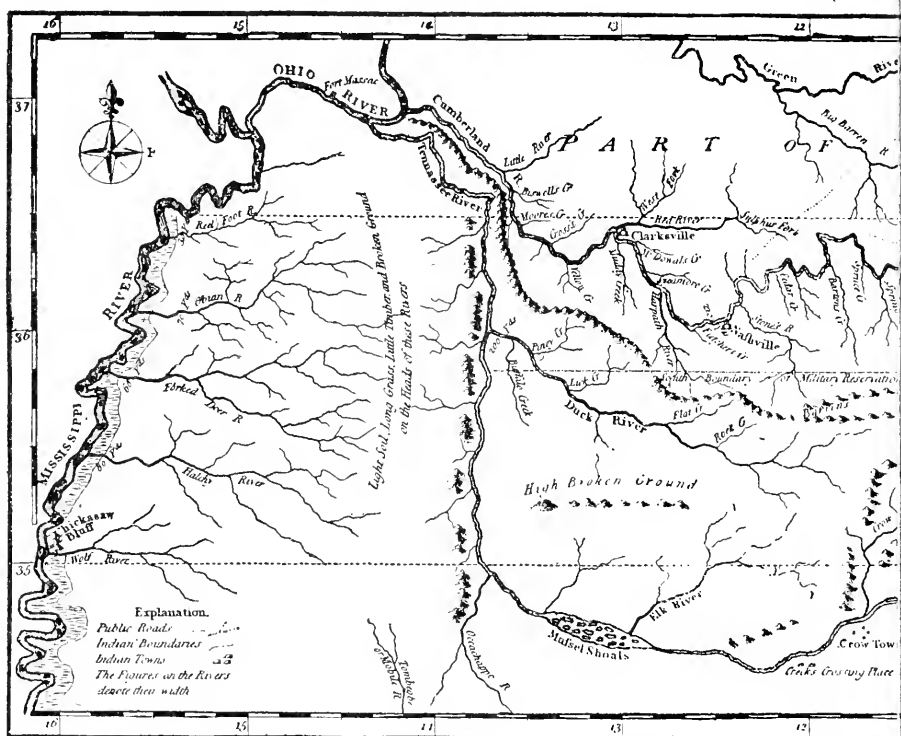
¹Putnam, pp. 495, 496, 523.

other resolution was passed, requesting that the sense of the people might be inquired into at the same time, touching the admission of the Territory into the Union as a State.

195. Governor Blount Consults Members of Congress.—Governor Blount did not take any official action under these resolutions. But

DANIEL SMITH'S

(Published)



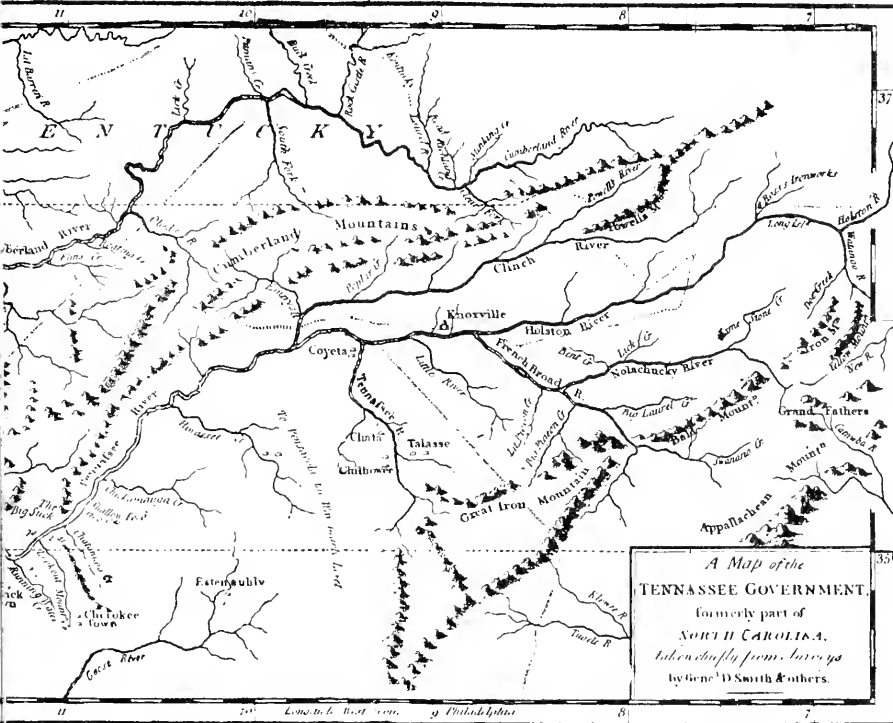
he earnestly desired the admission of the Territory. He thought it best, however, to ascertain from members of Congress what steps that body would consider necessary to be taken. Up to this time, no Territory of the United States had been admitted into the Union, and statesmen differed as to what would be the correct mode of procedure. Dr. James White, the territorial delegate, after canvassing the matter privately, reached the conclusion that Congress could not be induced to act in advance of an application on the part of the Territory. He

thought, if the people wished to be admitted into the Union, the proper procedure would be to call a convention for the purpose of framing a constitution, to take effect as soon as Congress should pass an act of admission.

196. Governor Blount Calls the Assembly Together. — This emi-

AP — FROM IMLAY.

(in 1795.)



nently wise suggestion determined the governor's course. Immediately upon its receipt, he issued a proclamation calling an extraordinary session of the Assembly. Under this proclamation the Assembly met at Knoxville, on the last Monday in June, 1795, and passed an act providing for the enumeration of the inhabitants of the Territory. It authorized the governor, in the event such enumeration should disclose sixty thousand inhabitants, to call a convention for the purpose of framing a constitution for the permanent govern-

ment of the State. But recognizing that the Territory might be found to contain less than sixty thousand inhabitants, the officers taking the enumeration were directed to ascertain whether or not, in that event, it was the desire of the people that the Territory should be admitted as a State with such less number. From this enumeration it appeared that the Territory contained more than sixty-six thousand free inhabitants, and above ten thousand slaves.

197. Call for a Constitutional Convention.—As soon as Governor Blount had officially ascertained the result of the enumeration, he issued his proclamation calling a constitutional convention to meet at Knoxville on the eleventh day of January, 1796. He thought it necessary to announce, in the same instrument, that the Territorial government would not cease until the convention should have framed and published a constitution. No one expected it to continue longer. The people believed the Territory, having attained the requisite population, was entitled to become a State by virtue of the original compact between the United States and the State of North Carolina. This view finally prevailed in Congress.

198. Constitutional Convention Meets.—The convention met at the time appointed. It was composed of five members from each of the eleven counties in the Territory. Among its members were many able men, such, for example, as Andrew Jackson, afterwards President of the United States, and James Robertson, who is called the father of Tennessee. It is a notable fact that John Sevier was not a member. He was, at that time, a member of the Legislative Council, none of whom were members of the convention, although Governor Blount was its president.

199. The Constitution of 1796. The provisions of the constitution were based, as those of Franklin had been, upon the Constitution of North Carolina. Thomas Jefferson pronounced it the "least imperfect and most republican" system of government that had been adopted by any of the American States. Having completed the labor which had brought them together, the convention adjourned on the sixth day of February, 1796, after a session of twenty-seven days. Relying upon the compact under which they had become a Territory of the United States, they abandoned forever their condition of tutelage, and constituted themselves an independent people, demanding admission to the Union as a matter of contract right, with a firm pur-

pose to continue as an independent State until that right should be recognized.¹

200. Governor Blount Notifies the President.—In obedience to the direction of the convention, Governor Blount, its president, forwarded to Secretary Pickering, at Philadelphia, by the hands of Major Joseph McMinn, a member of the convention, and subsequently Governor of the State, a copy of the constitution. At the same time he notified him that, when the General Assembly of Tennessee should meet, on the twenty-eighth of March, the temporary government would cease.

201. The New State Goes into Operation.—This communication was received on the twenty-eighth of February, but was not transmitted to Congress until the eighth of April, eleven days after the State government had gone into operation. In the meantime the Secretary of the late Southwest Territory had made his last official report to the Secretary of State. Its Governor had accepted the office of United States Senator, under the new State of Tennessee, and was on his way to Philadelphia, where Congress was in session. And "citizen" John Sevier, late in commission of the United States as legislative councilor, found himself, for the second time, at the head of an anomalous government, a self-constituted State, not yet recognized by the United States. This government, however, was destined to a brighter future than the daring, though amiable, State of Franklin.

202. Application for Admission Made a Party Question.—The application of the State of Tennessee for admission to the Union was made a party question. The Federalists, who were essentially a sectional party, had long regarded with concern the commercial competition, as well as political rivalry, that New England should expect from the daring pioneers of the Mississippi Valley.

203. Rufus King and the Free Navigation of the Mississippi.—Ten years before, when Mr. Jay advised that the United States should abandon to Spain the exclusive navigation of the Mississippi River for twenty-five or thirty years, but that Spain should in return pur-

¹ In the Constitutional Convention of 1796, "It was then moved by Mr. Outlaw, and seconded by Mr. Anderson, whether it is the sense of this house that if we should not be admitted by Congress, as member States of the general government, that we should continue to exist as an independent State. Mr. Cocke moved, and was seconded by Mr. David Shelby, that the above question be postponed, which was objected to; the question was then put, and carried in the affirmative." This is all the record. *Journal of the Constitutional Convention of 1796*, p. 23.

chase many articles from the United States, of which whale oil and codfish were especially insisted upon, Rufus King moved to repeal the clause in the instructions given to Mr. Jay by which the free navigation of the Mississippi had been declared a *sine qua non* in his negotiations with Spain, and all New England supported him.¹

204. Rufus King Reports against Admission.—Rufus King was now chairman of the Senate committee to which the President's message was referred. He brought in a long report opposing the admission of Tennessee, on the grounds, (1) that Congress should first declare the whole territory ceded by North Carolina to be one State, and (2) provide for the enumeration of its inhabitants under the authority of the Federal Government.

205. The House Passes the Bill for Admission.—The House, under the leadership of such men as Thomas Blount, a brother of Governor William Blount, and Madison and Gallatin, took a different view of the matter. They held that the Territory, having attained a population of sixty thousand free inhabitants, and adopted a republican form of government, thereby became a State of the Union, entitled to all the rights and privileges of statehood. Accordingly, they passed a bill for its admission on the sixth day of May, by a vote of forty-three to thirty.

206. The Senate and House Reach an Agreement.—On the twenty-sixth of May the Senate passed a bill, by a vote of fifteen to eight, laying out into one State the territory ceded by the State of North Carolina to the United States, and providing for the enumeration of its inhabitants. The House proposed an amendment, substituting the provisions of their bill, which was disagreed to by the Senate. At the request of the House, conference committees were appointed, and on the thirty-first of May the Senate receded from their disagreement, the effect of which was to pass the House bill.

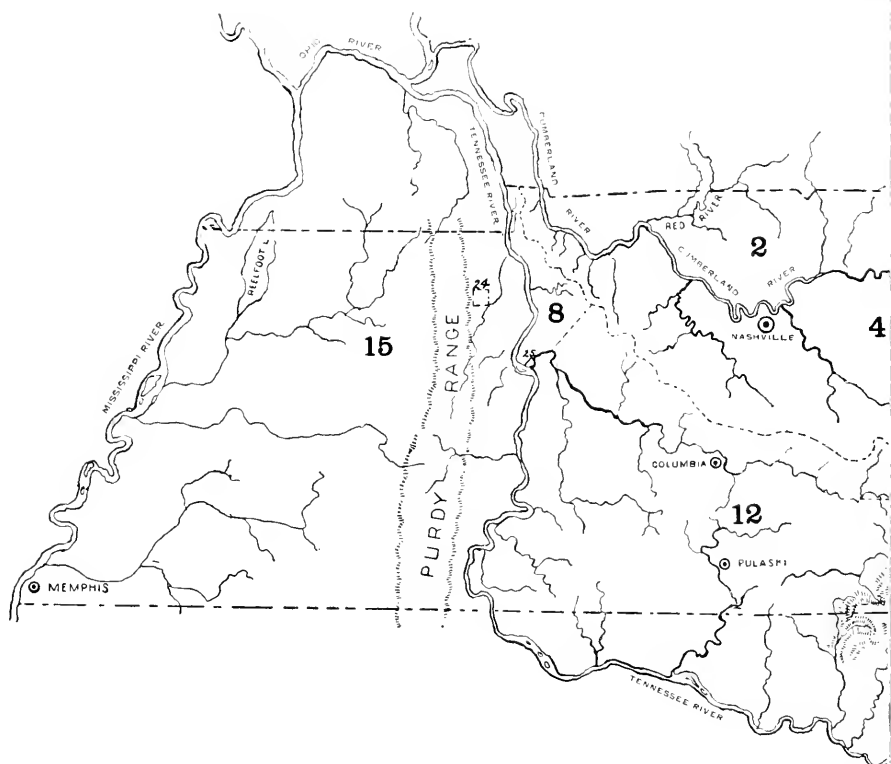
207. Samuel Livermore Did Not Give Casting Vote.—It is a popular error that the bill passed the Senate by the casting vote of their President, *pro tempore*, Samuel Livermore. This could not have been true, because, first, the President, *pro tempore*, did not have the right to give a casting vote; and second, there was no division of the Senate. The State was indebted to Samuel Livermore for his generous support of the bill, by which he incurred the displeasure of his constituents, but was more indebted for its passage at that time to the absence of Rufus King, who notified the Senate that

¹ Life of William Blount, by Gen. Marcus J. Wright, pp. 127, 128.

he had accepted the appointment of Minister Plenipotentiary to the Court of London, and resigned his seat in that body eight days before the final action on the admission of Tennessee was taken.

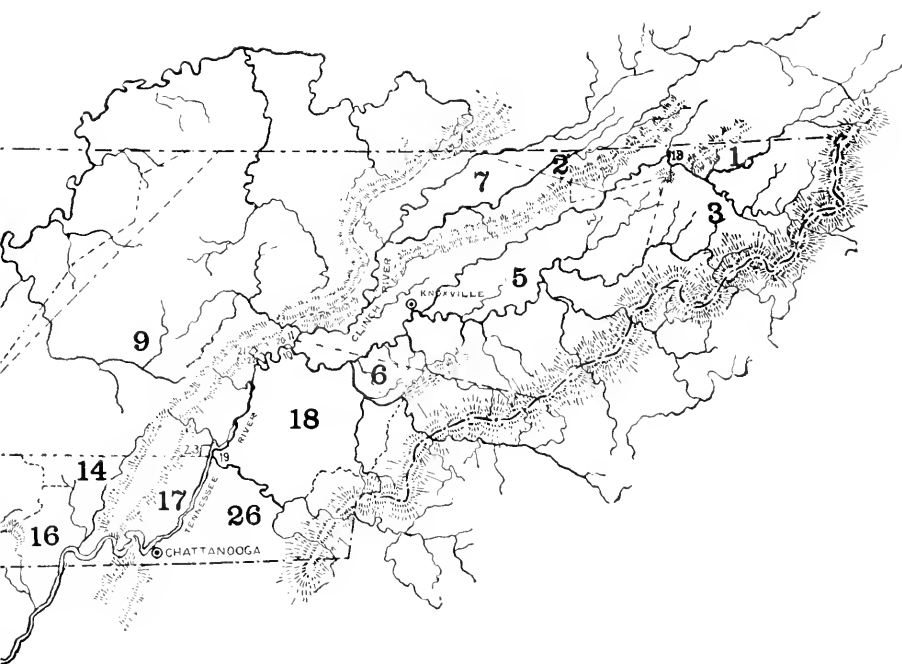
208. The Act Admitting Tennessee Signed by President Washington.—The bill being approved by President Washington on the succeeding day, which was the first day of June and the last day of the session, Tennessee became a member of the Federal Union—the first member erected out of a territory of the United States.¹

¹On the action of Tennessee in the matter of her application for admission to the Union, see Journals of the Territorial Council ; of the Convention of 1796 ; and of the first and second sessions of the Legislature of Tennessee for 1796, reprinted by order of the General Assembly in 1852. The action of Congress on her application will be found in Benton's Abridgement of the Debates of Congress, and in the Annals of Congress.



[The following list of Indian treaties may be used as a topical analysis, and also, for which no cessions of land are shown on the map are designated by letters. Those under

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|--|------------------------------|
| a. Nicholson's Treaty, 1721. | 3. Avery's Treaty, 1777, J. |
| b. Cumming's Treaty, 1730. | p. Treaty of Nashborough |
| c. Oglethorpe's Treaty, 1732. | q. First Franklin Treaty |
| d. Glenn's Treaty, 1755, November 24. | 4. Treaty of Hopewell, 1 |
| e. Waddell's Treaty, 1756. | r. Second Franklin Tre |
| f. Captain Jack's Grant, 1757, March 1. | 5. Blount's Treaty, 1791, |
| g. Littleton's Treaty, 1760. | s. Knox's First Treaty, 1 |
| h. Grant's Treaty, 1761. | t. Knox's Second Treaty |
| i. Treaty of Augusta, 1763. | 6. First Treaty of Tellico |
| j. Treaty of Hard Labor, 1768, October 14. | 7. First Treaty of Tellico |
| k. Treaty of Fort Stanwix, 1768, November 5 (overlapped by 2). | u. Second Treaty of Tellico |
| 1. Treaty of Lochabar, 1770, October 18. | 8. Chickasaw Cession, 18 |
| l. Leases of Watauga Settlers and Jacob Brown, 1772 (nearly coincides with 3). | v. Creek Treaty, 1805. |
| 2. Transylvania Purchase, 1775, March 17. | 9. Third Treaty of Tellico |
| m. Purchase of Carter's Valley, 1775, March 17. | 10. Fourth Treaty of Tellico |
| n. Purchase of Watauga Settlers and Jacob Brown, 1775, March 19. | 11. Fourth Treaty of Tellico |
| o. Second Purchase of Jacob Brown, 1775, March 25. (These purchases, n and o, nearly coincide with 3.) | 12. Dearborn's Treaty, 1 |
| | 13. Dearborn's Treaty, 1 |
| | 14. Robertson and Meigs |
| | 15. Capitulation of the Cr |



venient reference to the map. The treaties are arranged chronologically. Those under which cessions of land are shown on the map are designated by numbers.]

1. *Chickasaw Treaty*, 1816, September 20.
2. *Jackson and Meriwether's Treaty*, 1816, September 14.
3. *Chickasaw Treaty*, 1816, September 20.
4. *Jackson and McMin's Treaty*, 1817, July 13.
5. *Great Chickasaw Cession*, 1818, October 19.
6. *Calhoun's Treaty*, 1819, February 27.
7. *Calhoun's Treaty*, 1819, February 27.
8. *Calhoun's Treaty*, 1819, February 27.
9. *Calhoun's Treaty*, 1819, February 27.
10. *Calhoun's Treaty*, 1819, February 27.
11. *Calhoun's Treaty*, 1819, February 27.
12. *Calhoun's Treaty*, 1819, February 27.
13. *Calhoun's Treaty*, 1819, February 27.
14. *Overton's Treaty*, 1823.
15. *Overton's Treaty*, 1823.
16. *Barbour's Treaty*, 1828, May 6.
17. *Stokes and Ellsworth's Treaty*, 1833, February 14.
18. *Vashon's Treaty* (repudiated by President Jackson), 1834, February 10.
19. *Treaty of Removal*, 1835, December 26.
20. *Graham's Two Treaties*, 1816, March 22.
21. *Jackson and Meriwether's Treaty*, 1816, September 14.
22. *Chickasaw Treaty*, 1816, September 20.
23. *Jackson and McMin's Treaty*, 1817, July 13.
24. *Great Chickasaw Cession*, 1818, October 19.
25. *Calhoun's Treaty*, 1819, February 27.
26. *Calhoun's Treaty*, 1819, February 27.
27. *Calhoun's Treaty*, 1819, February 27.
28. *Calhoun's Treaty*, 1819, February 27.
29. *Calhoun's Treaty*, 1819, February 27.
30. *Overton's Treaty*, 1823.
31. *Overton's Treaty*, 1823.
32. *Barbour's Treaty*, 1828, May 6.
33. *Stokes and Ellsworth's Treaty*, 1833, February 14.
34. *Vashon's Treaty* (repudiated by President Jackson), 1834, February 10.
35. *Treaty of Removal*, 1835, December 26.

CHAPTER XVIII.

THE INDIAN TREATIES.

[SUGGESTION TO TEACHERS.—It is believed by the authors that the following chapter contains valuable information, which has nowhere else been collated, with special reference to Tennessee history. It is important that pupils should acquire this information, but it is not necessary that they should memorize the mass of facts which are here thrown together.]

209. Early Indian Treaties.—The first treaty with the Western Indians was made in 1721, between Governor Nicholson, of South Carolina, and the Cherokees and Creeks. In April, 1730, a treaty was made between Sir Alexander Cumming, on behalf of North Carolina, and the Cherokee Nation, at *Nequasse*, or *Requasse*, which was intended to secure the co-operation of that nation against French and Spanish encroachments in the West. At this treaty the crown of the Cherokee Nation was brought from Tennessee, their chief town, and presented to Sir Alexander Cumming, with the request to convey it to England and lay it at His Majesty's feet. Six Indian chiefs accompanied Sir Alexander to England on this mission, and concluded an additional treaty at Dover, June 30. In 1732, Governor Oglethorpe, of Georgia, made a treaty with the Creeks. After the conclusion of the treaty, the chief, Tomochichi, and his queen, accompanied Oglethorpe on a visit to London. In 1750, a treaty was made between Colonel Waddell, on behalf of North Carolina, with Atta Culla Culla, or the Little Carpenter, on behalf of the Cherokees, under which treaty Fort Dobbs was built. On November 24, 1755, a treaty was made by Governor Glenn, of South Carolina, with the Cherokees, by which the Cherokees ceded a large tract of territory to the King of England. In 1756, a treaty was made between Col. Hugh Waddell, on behalf of North Carolina, and the Cherokee and Catawba Indians. In 1760, and in 1761, treaties were made with the Cherokees, by authority of South Carolina—the first by Colonel Littleton, and the second by Colonel Grant. In 1763, the treaty of Augusta was made.¹ This treaty was followed, October 14, 1768, by the treaty of Hard Labor.² All of the above mentioned treaties have an important bearing on the history of Tennessee as preliminary steps to its settlement, but none of them conveyed title to any land within the limits of the State.

An article in a special council held on Tennessee River, March 1, 1757, conveys to Capt. Patrick Jack, of Pennsylvania, in consideration of \$400, a tract of fifteen miles square south of Tennessee River. In pursuance of this grant a deed was made by Arthur Dobbs, Governor of North Carolina, and Atta Culla Culla, or the Little Carpenter, half-king of the Cherokees, on behalf of the Cherokee Nation. This deed was confirmed by a general council, held in 1762.

210. The Treaty of Fort Stanwix.—The first general grant of land by the Indians, within the limits of the present State of Tennessee, was made by the Six Nations in the treaty at Fort Stanwix, concluded November 5, 1768. This treaty conveyed a doubtful claim, which was subsequently productive of much controversy, affecting not only the Tennessee settlers but presenting a vexatious question to Congress in the adoption of the articles of Confederation.³ This treaty is not shown on the annexed map of Indian Treaties, the lands which it purported to convey within the limits of Tennessee being covered by later treaties with other tribes.

211. Treaty of Lochabar.—This treaty was concluded at Lochabar, S. C., October 18, 1770. It conveyed lands in Virginia, West Virginia, Kentucky, and Tennessee. A portion of the lands embraced in this treaty lay in Tennessee and are shown in the annexed map, marked 1. This portion in Tennessee overlaps the eastern part of the Henderson Purchase, marked 2.⁴

212. Leases by the Watauga Association and Jacob Brown.—In 1772, the Watauga Association leased for ten years, from the Cherokees, lands on the Watanga River. Jacob Brown made a similar lease for lands on the Nollichucky. The boundaries of these two leases are not

¹ *Ante*, 46.

² *Ante*, 49.

³ *Ante*, paragraphs 50 and 51; Journals of Congress; Bancroft (Centenary Edition) Vol. VI, pp. 30, 336, 337; Confederate Military History, Vol. I, article on "The South as a Factor in Expanding the Territory of the United States," Ramsey, pp. 74-77.

⁴ See *ante*, paragraph 53.

positively known. They are not shown on the annexed map, but coincide very nearly with the boundaries of the treaty marked 3.¹

213. Transylvania Purchase.—March 17, 1775, Richard Henderson and eight other persons, organized as the Transylvania Company, concluded a treaty with the Cherokees, at Sycamore Shoals, on the Watauga. For merchandise to the amount of \$50,000 they purchased all the lands lying between the Kentucky, Ohio, and Cumberland rivers, and extending eastward along the north bank of the Holston to the point where it intersects the Virginia line; thence westwardly along that line to the western boundary of the Lochabar Purchase, and north along that boundary to its intersection with Powell Mountain. The treaty embraced two deeds—known as the "Path Deed" and the "Great Grant." The main portion lay in Kentucky, a small portion in Virginia, and a portion in Tennessee. As shown on the annexed map, the portion in Tennessee appears in two detached parts, each marked 2, being cut off by the State line. The eastern part is overlapped by the Lochabar Purchase, marked 1. The legality of this purchase was not admitted by Virginia or North Carolina. It covered a portion of the territory to which the Six Nations had quit-claim at Fort Stanwix, and to which the Shawnees had recently quit-claim by a treaty in 1775, made with Lord Dunmore, Governor of Virginia. The purchase of the Transylvania Company served to extinguish the claims of the Cherokees, but gave rise to a long series of bitter controversies with the authorities of Virginia and North Carolina, and in Congress and the Federal courts. Finally the matter was compromised. Virginia granted the Transylvania Company 200,000 acres of land as compensation for the release of the company's claims.²

The North Carolina Legislature, 1783, granted to Landon Carter, the son and heir of John Carter, who did not live many years after this transaction, and to the heirs of Robert Lucas, who was killed in defense of Davidson County, for their expense, trouble and risk in making their purchase of land from the Cherokee Indians, 10,000 acres of land on Clinch River, and in the same act granted Henderson and his associates 190,000 acres, making the whole 200,000 acres.³



MCINTOSH—CREEK CHIEF.

214. The Watauga Purchases.—

During the conference at Sycamore Shoals, in March, 1775, the Cherokees made a deed to John Carter and Robert Lucas, conveying lands extending from Cloud's Creek to Chimney Top Mountain, and embracing Carter's Valley, in compensation for the robbery of Parker and Carter's Store by Cherokee Indians, and in further consideration of the payment of a sum of money.⁴ Two days later, March 19, a deed was made conveying in fee simple to Charles Robertson, as trustee for the Watauga Association, the lands on Watauga, which had heretofore been leased, in consideration of "the sum of £2,000, lawful money of Great Britain, in hand paid." This deed is recorded in the register's office of Washington County, Tennessee, and prescribes the boundaries of the purchase. It is signed by the following Cherokee chiefs on behalf of the Cherokee Nation, viz.: Oconostota, Attaculleculla, Tennessey Warrior, Willinawaugh. March 25, 1775, two deeds were executed by the Cherokees to Jacob

¹ *Ante*, paragraph 81. Ramsey, 109-111; Reports of Bureau of Ethnology for 1883-84, pp. 146-148, article by Charles C. Royce.

² *Ante*, paragraph 105; Ramsey, pp. 110-119; Report of Bureau of Ethnology, article of Charles C. Royce, 1883-1884, pp. 148, 149.

³ Martin's Private Acts of North Carolina, page 116.

⁴ *Ante*, paragraph 81; Ramsey, p. 119.

Brown in consideration of ten shillings. One deed conveyed to him the tract which he had previously leased, and the other deed conveyed an additional tract, shown on map of the Watauga Settlements, marked Brown's Second Purchase. These several purchases are not shown on the annexed map of the Indian Treaties, but coincide very nearly with Avery's Treaty, marked 3.¹

215. Avery's Treaty.—July 20, 1777, Commissioners Preston, Christian, and Shelby, on the part of Virginia, and Avery, Sharpe, Winston, and Lanier, on the part of North Carolina, met at Fort Henry, near Long Island, on the Holston, and concluded with the Cherokees a treaty which is known in Tennessee as Avery's Treaty. It confirmed the Watauga cessions made in 1775, and somewhat extended their boundaries. The portion of the cession included in Tennessee is shown on the annexed map, marked 3.²

216. Treaty of Nashborough.—The Treaty of Nashborough with the Chickasaws and Cherokees was made in June, 1783. The Chickasaws ceded a large body of land which was not specifically designated on the annexed map, but which coincides very nearly with the cession of the Hopewell Treaty, marked 4. This treaty was never officially recognized by North Carolina, but was sacredly observed by the Chickasaws, and the official cession was completed by the Treaty of Hopewell.

217. Treaties Made by the State of Franklin.—During the existence of the "State of Franklin," that State made two treaties with the Cherokees—one on the French Broad, near the mouth of Dumplin Creek, May 31, 1785, the other at Coytoy, August 3, 1786. After the collapse of the short-lived State both these treaties were ignored, and the pioneers who had settled the country south of the French Broad and Holston adopted rules of government, and for a time exercised the functions of an independent government.³

218. Treaty of Hopewell or Hawkins' Treaty.—The articles of confederation were adopted in 1781 and the control of Indian affairs devolved upon the United States. The first Indian treaty made under Federal authority which conveyed land in Tennessee was the Treaty of Hopewell. The commissioners on the part of the United States were Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan McIntosh. This treaty is generally known in Tennessee as "Hawkins' Treaty." It was concluded at Hopewell, S. C., November 18, 1785. So far as Tennessee was affected this treaty officially confirmed to the United States the same territory which the Chickasaws had previously granted informally at the Treaty of Nashborough in 1783,⁴ making the boundary lines more definite. At the conclusion of the treaty, goods valued at \$1,311 ¹⁰/₁₆, were distributed among the 918 Cherokees present. This treaty was made with the Cherokees, and was subsequently confirmed by the Chickasaws at Hopewell, January 10, 1786.⁵ The land conveyed in Tennessee is shown on the annexed map,

219. Treaty of Holston, or Blount's Treaty.⁶—William Blount, Governor of the Territory South of the River Ohio, and Superintendent of Indian Affairs, representing the President of the United States at White's Fort, where Knoxville now stands, concluded, July 2, 1791, a treaty with the chiefs and warriors representing the Cherokee Nation. This treaty was ratified by the Senate November 9, 1791, and proclaimed by the President February 2, 1792. It contained many stipulations for peace and friendship and for the arbitration of controversies. In consideration of the delivery of certain valuable goods and the annual payment of \$1,000, by the United States, the Cherokees renounce all claims to the large tract of land shown on the annexed map, marked 5.

220. Knox's First Treaty.⁷—February 17, 1792, at Philadelphia, Henry Knox, Secretary of War, concluded with the chiefs and warriors of the Cherokee Nation a treaty, which amended Blount's Treaty, by increasing the annual payment to the Cherokees from \$1,000 to \$1,500.

¹ *Ante*, Map of Watauga Settlements, and paragraph 81; Ramsey, pp. 119-122; Report of Bureau of Ethnology, 1883-1884, pp. 146-148.

² *Ante*, paragraph 96; Report of Bureau of Ethnology, 1883-1884, pp. 150-151; Ramsey, pp. 172-174; Haywood, pp. 503-514.

³ See post, § 1.

⁴ *Ante*, paragraphs 152, 153, 229.

⁵ Haywood, pp. 32, 33, 37; Report of Bureau of Ethnology, 1883-1884, pp. 152-158, marked 4.

⁶ Haywood, 33; Report of Bureau of Ethnology, 1883-1884, pp. 158-169. The Treaty of Hopewell, and all subsequent treaties up to the year 1810, made with the Cherokees, Creeks, and Chickasaws are recorded in full in Scott's Edition of the Laws of Tennessee, Vol. II, pp. 807-850; and in Haywood and Cobb's Laws of Tennessee, pp. 198-221.

⁷ Report of Bureau of Ethnology, pp. 169-173.

221. Knox's Second Treaty.—June 26, 1794, Henry Knox, Secretary of War, concluded at Philadelphia a second treaty with the chiefs and warriors of the Cherokee Nation. By this treaty some disputes were settled in relation to the correct running of the boundary lines, and the annual payment to the Cherokees was increased to \$5,000—fifty dollars to be deducted for every horse stolen from the whites by the Cherokees.

222. First Treaty of Tellico, or Walton's Treaty.—October 2, 1798, a treaty was concluded between George Walton and Thomas Butler, commissioners in behalf of the United States, and the chiefs and warriors of the Cherokee Nation, in the Cherokee Council House near Tellico. This treaty contained the usual stipulations for peace and friendship, with regulations for intercourse between the whites and the Cherokees. It raised the price of stolen horses to \$60. It ceded to the United States certain lands, of which the two detached portions lying in Tennessee, are shown on the annexed map, marked respectively 6 and 7.¹ The United States agreed to pay for this cession \$5,000, and an annuity of \$1,000.

223. Second Treaty of Tellico Block House.—Daniel Smith and Return J. Meigs, commissioners on the part of the United States, concluded a treaty with the Cherokees at Tellico Block House, October 24, 1804, by which no land was ceded within Tennessee. The copy of this treaty retained by the United States was lost, in consequence of which the treaty was not ratified for many years. Finally the Indians produced a duplicate copy. Upon this evidence the treaty was ratified, and was proclaimed May 17, 1824.

224. Chickasaw and Creek Treaties.—July 23, 1805, James Robertson and Silas Dinsmoor concluded with the Chickasaws a treaty relinquishing all claims north of Duck River and east of the Tennessee, and all the disputed tracts on Elk River. A tract one mile square on Tennessee River, at the mouth of Duck River, was reserved for Okoye—marked on the map 25. The consideration for this cession was \$20,000, to be paid by the United States to the tribe, and \$1,000 each to be paid Colbert and Okoye, and an annuity to Chinnubbe, king of the tribe. The portion of this cession north of the mouth of Duck River is shown on the map, marked 8. In order to extinguish all adverse titles the United States subsequently purchased the claims of the Cherokees to the disputed tracts on Elk River, at which the Chickasaws took offense.²

In connection with this treaty with the Chickasaws an amusing correspondence is recorded which illustrates some of the methods used in dealing with the Indians. After examining the accounts, the Secretary of War, Henry Dearborn, wrote to General Robertson: "Among other extraordinary articles for an Indian treaty in the woods, for two commissioners, may be noticed *raisins, anchovies, cinnamon, nutmegs, pickles, etc.*, amounting to near two hundred dollars." To this the commissioners replied that they never sat down to a meal with less than twenty-nine Indians at the table. They added: "When Indians eat, they eat indeed." . . . "One Indian can eat enough at one meal to last him a week. Whoever should see old Puckshunbbee, old Mussulatubbe, old Pushmataha, or a score of these old Falstuffs in the woods at a feast, would suppose they were indeed eating a last meal."³

In the same year, 1805, Return J. Meigs and Daniel Smith concluded a treaty with the Creeks by which the Creeks, in consideration of fourteen thousand dollars, released all claims to lands in Tennessee. These lands, being in dispute, were acquired by treaties with the Cherokees, and are shown on the map under the Cherokee cessions.

225. Third Treaty of Tellico.—Daniel Smith and Return J. Meigs concluded a treaty with the Cherokees, at Tellico Block House, October 25, 1805, by which a tract of land was ceded, lying in Kentucky and Tennessee. The portion in Tennessee is shown on the annexed



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¹ Haywood, pp. 33, 34; Report of Bureau of Ethnology, 1883-1884, pp. 174-183.

² Report of Bureau of Ethnology, pp. 195, 196; Putnam, pp. 569-571; *post* paragraphs 240 and 241.

³ Putnam, pp. 574, 575.

map, marked 9.¹ For this cession the United States agreed to pay \$14,000, and an annuity of \$3,000.

226. Fourth Treaty of Tellico.—Two days later, October 27, 1805, another treaty was concluded between the same parties at the same place. In the former treaty the Indians had reserved several small tracts around spots to which they were especially attached. In order to show the purpose of the parties, and to give a specimen of the form of Indian treaties, this treaty is given below in full, omitting the caption and signatures:

"ARTICLE I. Whereas, it has been represented by the one party to the other, that the section of land on which the garrison of Southwest Point stands, and which extends to Kingston, is likely to be a desirable place for the Assembly of the State of Tennessee to convene at, (a committee from that body now in session having viewed the situation), now, the Cherokee, being possessed of a spirit of conciliation, and seeing that this tract is desired for public purposes and not for individual advantages, reserving the ferries to themselves, quit claim, and cede to the United States the said section of land, understanding at the same time, that the buildings erected by the public are to belong to the public, as well as the occupation of the same, during the pleasure of the government; we also cede to the United States the first island in the Tennessee above the mouth of Clinch.

"ARTICLE II. And, whereas, the mail of the United States is ordered to be carried from Knoxville to New Orleans, through the Cherokee, Creek, and Choctaw countries; the Cherokees agree that the citizens of the United States shall have, so far as it goes through their country, the free and unmolested use of a road leading from Tellico to Tombigbee, to be laid out by viewers appointed on both sides, who shall direct it the nearest and best way; and the time of doing the business the Cherokees shall be notified of.

"ARTICLE III. In consideration of the above cession and relinquishment, the United States agree to pay to the said Cherokee Indians sixteen hundred dollars, in money or useful merchandise at their option, within ninety days after the ratification of this treaty.

"ARTICLE IV. This treaty shall be obligatory between the contracting parties as soon as it is ratified by the President, by and with the consent of the Senate, of the United States. In testimony whereof," etc.²

227. Dearborn's Treaty.—At Washington City, Henry Dearborn, Secretary of War, concluded a treaty with the Cherokees, January 7, 1806, which was proclaimed by the President, May 23, 1807. By this treaty the Cherokees ceded to the United States an extensive tract, lying in Mississippi, Alabama, and Tennessee. The portion of this cession lying in Tennessee, south of Duck River, is shown on the annexed map, marked 12. By this treaty the Cherokees also ceded Long Island, in Holston River. This cession is marked 13 on the annexed map. In consideration of these cessions, the United States agreed to pay ten thousand dollars, and further agreed as follows: 'That a gristmill shall, within one year from date hereof, be built in the Cherokee country for the use of the nation, at such place as shall be considered most convenient; that the said Cherokees shall be furnished with a machine for cleaning cotton; and also, that the old Cherokee chief, called the Black Fox, shall be paid annually one hundred dollars by the United States during his life.'

228. Robertson and Meigs' Treaty.—This treaty was held on Chickasaw Island, in Tennessee River, and was concluded with the Cherokees by James Robertson and Return J. Meigs, September 11, 1807, and was proclaimed April 22, 1808. It was merely an elucidation of former treaties, and made no additional cessions of land. In consideration of concessions made by the Indians on the points in dispute, the United States agreed to pay them two thousand dollars, and accorded them the privilege of hunting in the ceded territory. There was also a secret article that one thousand dollars and two rifles should be given to the chiefs who negotiated the treaty.

229. The Capitulation of the Creeks.—Following the crushing blow administered to the Creeks at Tohopeka, Gen. Andrew Jackson dictated to them a treaty which was concluded August 9, 1814. Of the land ceded by the Creeks, no portion was within the limits of Tennessee, but this treaty had an important influence on the history of the State.

230. Sundry Treaties with the Cherokees.—George Graham, Commissioner of the United States, concluded two treaties with the Cherokees March 22, 1816. The first ceded land in South Carolina, for which the State of South Carolina agreed to pay five thousand dollars. The second made no cession of land, but contained important stipulations with reference to boundaries, conceding to the United States the free navigation of all rivers in Cherokee territory,

¹ Haywood, p. 34; Report of Bureau of Ethnology, 1883-1884, pp. 183-190.

² The cessions made by this treaty are shown in the map, marked 10 and 11. Scott's Edition Laws of Tennessee, Vol. II, pp. 820, 821.

and the right to open and use roads free of charge. For these concessions, and to reimburse the Indians for losses, etc., the United States agreed to pay twenty-five thousand dollars.

Gen. Andrew Jackson, Gen. David Meriwether, and Jesse Franklin, Commissioners of the United States, concluded with the Cherokees a treaty, at the Chickasaw Council House, September 14, 1816. By this treaty the Cherokees ceded a large tract in Georgia, for which they received five thousand dollars in cash, and an annuity of six thousand dollars for ten years. This treaty was ratified by the Cherokee Nation, at Turkeytown, October 4, 1816, and was proclaimed December 30, 1816. By these treaties no cession of land was made within the limits of Tennessee.

231. Jackson and McMinn's Treaty.—This name has been given in Tennessee to the treaty concluded at the Cherokee Agency, July 18, 1817, between Andrew Jackson, Joseph McMinn, and David Meriwether with the Cherokees. By this treaty a tract of land was ceded in Tennessee, marked 14, provision was made for a census of the Cherokee Nation, and inducements were offered for the removal of the Cherokees west of the Mississippi River. The United States agreed to cede to the Cherokees who should remove a tract of land, north of the Arkansas River, equal in area to the cessions made by the Cherokees in this treaty, to bear the expense of removal, to give each "poor warrior one rifle gun and ammunition, one blanket, one brass kettle, or, in lieu of the brass kettle, a beaver trap," to pay for all improvements on the real estate left behind, and to have a census of the tribe taken, in accordance with which all who removed west should receive their proportional shares of all annuities granted the tribe by previous treaties. Provision was also made for granting to each head of a Cherokee family residing within the ceded territory a tract of six hundred and forty acres, on condition of his becoming a citizen of the United States.

232. Great Chickasaw Cession.—By a treaty made September 20, 1816, the Chickasaws ceded to the United States their title to certain lands in dispute. The great Chickasaw cession was made October 19, 1818. This treaty was concluded at the "Treaty Ground east of Old Town" with the United States Commissioners, Isaac Shelby and Andrew Jackson. By this treaty, the Chickasaws ceded to the United States all of what is now West Tennessee, the tract extending into Kentucky between the Ohio and Tennessee rivers. A tract in Tennessee, four miles square, was reserved, including "a salt lick, or springs," near Sandy River. Three other small tracts were reserved to individual Indians on condition that all persons living on these reservations shall be subject to the laws of the United States. In consideration of these cessions, the United States agreed to pay "twenty thousand dollars per annum, for fifteen successive years, to be paid annually;" and also agreed to pay two debts of the Chickasaws, one to Captain Gordon of \$1,115, and one to Captain Smith of \$2,000; and further agreed to pay to individual Chickasaws sums amounting to \$4,264; and further agreed that all annuities heretofore payable in goods should be hereafter paid in cash. In consequence of some delays in the first payments stipulated in the treaty, Andrew Jackson and William B. Lewis raised the money on their personal credit, and prompt payment was made.¹ This cession is marked 15 on the annexed map.

233. Calhoun's Treaty.—February 27, 1819, John C. Calhoun, Secretary of War, concluded a treaty with the Cherokees, who ceded various outlying tracts which had not been included in former treaties. Three of these were extensive tracts, marked on the map respectively 16, 17, and 18. The others were tracts of small area, from one to twelve miles square, which had been retained by the Indians as favorite spots, for which they felt a special attachment, or a superstitious reverence. These are shown on the map, marked respectively 19, 20, 21, 22, and 23. It was agreed that these minor cessions were to be sold by the United States, the proceeds to be invested in goods and stocks, the annual income of which should be used for establishing schools for the Cherokees. Many stipulations were made for issuing grants of six hundred and forty acres each to individual Indians. The policy of the treaty was to encourage the Cherokees to emigrate west of the Mississippi, and to induce those who remained to abandon their tribal relations, and to become citizens of the United States. This treaty extinguished the title of the Cherokees to all lands in Tennessee, except the tract marked 24, and known as the "Hiwassee District," to which they retained title until December, 1835.

234. Overton's Treaty.—In 1823, a treaty was made with the Chickasaws by Judge John Overton by which the Chickasaws released claim to the small tracts of land which they had reserved in former treaties. One tract, four miles square, including the salt lick on Sandy River, is shown on the map, marked 24. Another tract, one mile square, on Tennessee River, at the mouth of Duck River, and known as "Okoye's Reservation," is marked 25.

¹ See two letters of Andrew Jackson in *American Historical Magazine*, Vol. IV, pp. 99-101 (April number, 1899).

235. Attitude of Tennessee and Georgia.—The Cherokees were too weak to engage in war, but were not congenial neighbors. They had learned many of the arts and vices of civilized life, and had, to a great extent, abandoned their roving habits. They did not need large areas of ground, and had gradually sold all their territory in Tennessee except Hiwassee District. The bulk of the nation had been gradually forced down into Georgia. They showed some disposition to become citizens of the United States, and actually made propositions to that effect. The



MAJOR RIDGE — CHEROKEE CHIEF.

people of Tennessee and Georgia, however, were bent on their removal across the Mississippi. Both States became involved in controversies with the Federal authorities in reference to the Indian relations. The controversy on the part of Tennessee was with reference to the State law directing the sale of disputed reservations. The controversy on the part of Georgia was more serious. The United States accepted the cession of the western lands of Georgia in 1802, and agreed to extinguish all Indian titles to lands within the limits of the State. Georgia demanded the fulfillment of the contract. Meanwhile, and before any steps had been taken for the removal of the Indians, Georgia asserted the right to legislate for the entire State, and to execute her laws within the Indian reservations. The United States claimed that the Indians were a distinct organization within the limits of Georgia, and could be dealt with only by Congress under the treaty-making powers. Governor Troupe, of Georgia, gave notice that he would maintain the authority of Georgia, and matters assumed a hostile shape during the latter part of the administration of Monroe and the succeeding administration of John Quincy Adams. Finally, the

Cherokee Nation, July 26, 1827, adopted a Constitution as an independent and sovereign State. The people of Georgia were indignant at this attempt to establish a separate government within the jurisdiction of a sovereign State, and to assert a right which would be treason, if attempted by her own citizens. Her legislature made what they styled a last appeal to the United States, and expressed a purpose, if this should fail, to take the matter into their own hands.

236. Abortive Treaties.—In 1832, the Indian Territory was laid out west of the Mississippi, and in 1834 Congress made enactments for the definite location of the several tribes which were to occupy it. May 6, 1828, James Barbour, Secretary of War, concluded a treaty, and February 14, 1833, Stokes, Ellsworth and Schermerhorn concluded a similar treaty with the Cherokees. Neither of these treaties were contracts, but were a series of offers made by the United States to induce the Cherokees to remove to the Indian Territory west of the Mississippi River. Both treaties were barren of results. February 10, 1834, George Vashon concluded a treaty with the Cherokees similar in character, and offering additional inducements. This treaty was made inoperative by the refusal of President Andrew Jackson to submit it to the Senate.

237. Treaty of Removal.—This treaty was concluded December 29, 1835, at New Echota, Georgia, between the Cherokees and Gen. William Carroll and John F. Schermerhorn, Commissioners for the United States. By its provisions the Cherokees ceded to the United States all their lands east of the Mississippi River in consideration of \$5,000,000. The United States ceded to the Cherokees fifteen million acres of land in the Indian Territory, which should never be included in any state or territorial government, and agreed to pay all expenses of removal, to furnish one year's subsistence in their new home, to pay for improvements on their lands, to pay various special funds and annuities, among other provisions to add \$150,000 to the existing permanent school fund, and to appropriate \$60,000 to pay debts due from the Cherokees to citizens of the United States. It was agreed that all who remained should be subject to the laws of the State within which they resided, and, upon becoming qualified as citizens, should be entitled to pre-empt one hundred and sixty acres of land. The treaty contained other important provisions which can not be here recited. March 1, 1836, a supplemental treaty was made, which added \$1,000,000 to the obligations of the United States. The Cherokees agreed to remove to the Indian Territory within two years from the ratification of the treaty. By the terms of this treaty, the

title of the Cherokees was extinguished to Hiwassee District, their last possession in Tennessee, marked on the map 26.

238. The Removal.—The large majority of the Cherokees, led by their famous chief, John Ross, were opposed to this treaty, and protested against it. The United States, however, refused to recognize their authority, and concluded the treaty with the minority party of the Cherokees, led by the chiefs Major Ridge and Andrew Ross. The Cherokee Nation, in full council, in October, 1835, rejected the treaty, but the United States Senate, nevertheless, confirmed it, and President Jackson proclaimed it May 23, 1836. John Ross went to Washington on behalf of his people, and endeavored to persuade the President and Congress to declare it void. He displayed great diplomatic ability, and created a strong sentiment of sympathy in favor of the Indians. Henry Clay, Daniel Webster, Edward Everett, Henry A. Wise, and other political opponents of President Jackson, warmly espoused the cause of Ross. Previous to his departure for Texas, David Crockett ardently supported Ross. During the two years which had been allowed the Cherokees for removal, strong efforts were used to revoke the treaty, but President Jackson was firm. Many of the Indians removed in small bands before the appointed date. As the time drew near, Gen. Winfield Scott, with a force of United States troops, was ordered to the Cherokee country. He issued an address, announcing that he would enforce their removal in accordance with the terms of the treaty. Ross made application for extension of time, and other indulgences, which were granted. December 4, 1838, the last organized band of Cherokees began their march for the Indian Territory. A number, subsequently enumerated at one thousand and forty-six, took refuge in the mountains and remained behind. Most of these afterwards joined their comrades in the West. The few who finally remained abandoned their tribal relations, and became citizens of the United States. The total number of the Cherokees who removed West was stated on the rolls of John Ross to be thirteen thousand one hundred and forty-nine. Upon reaching their new homes, fierce dissensions arose between the party of John Ross and the Ridge party, which resulted in the killing of Major Ridge. Finally the nation became unified, and made other treaties with the United States by which they secured a large annual income.



JOHN ROSS — CHEROKEE CHIEF.

239. The Indian Territory.—The Cherokees, Chickasaws, Creeks, Choctaws, and Seminoles, known as the "Five Civilized Tribes," are now dwelling peaceably and contentedly in the Indian Territory. They are prosperous, industrious, and law abiding. In addition to large revenues derived from the United States for the sale of their eastern lands, they are self-sustaining and wealthy. They owned many negro slaves prior to the general emancipation. They have schools, churches, good governments, and all the appliances of civilization. They have increased in numbers, the total population of the five tribes being 178,097, of which 50,055 are Indians. The Cherokee Nation, which numbered 13,149 upon their arrival, now numbers 56,309, of which 22,015 are Indians.¹

¹ United States Census, 1890, Vol. Indians, pp. 242, *et seq.* In this chapter frequent reference has been made to the invaluable article of Mr. Royce in the Report of the Bureau of Ethnology for 1883-84. This treatise is confined to the Cherokees, and extends beyond the limits of Tennessee.

TOPICAL ANALYSIS—CHAPTERS X-XVIII.

- I. *Washington County; Organized by North Carolina, 1777.*
 - (a) Washington Judicial District; Civil and Military Tribunals.
 - (b) Population; Internal Improvements; Important Events; Indian Hostilities; A Dangerous Crisis.
- II. *The Cumberland Settlements; 1779 to 1783.*
 - (a) Explorers; Transylvania Purchase; Prospectors; Thomas Sharp Spencer, and Others.
 - (b) Settlers; James Robertson; Donelson's Voyage; Other Settlers.
 - (c) Articles of Compact; Government under the Compact.
 - (d) Indian Hostilities; Freeland Station; Battle of the Laffs; Guerrilla Warfare.
 - (e) The Dark Days; The Council; Robertson's Firmness; Peace with England.
- III. *Watauga; 1780 to 1783; The South Overrun; King's Mountain.*
- IV. *Cherokee War; Greene and Davidson Counties formed; First Session.*
- V. *State of Franklin; Its Constitution; Sevier elected Governor; The Capitol.*
- VI. *Collapse of Franklin in 1788; Sevier in Custody.*
- VII. *Sevier's Release; His election as Delegate; His appointment as Brigadier-General.*
- VIII. *Cumberland; 1783 to 1790; Davidson County.*
 - (a) Bounty Lands; Treaty of Nashborough; Spanish Intrigues.
 - (b) Sumner County formed; Mero Judicial District.
 - (c) Indian Hostilities; Appeals for Aid; Coldwater Expedition.
 - (d) Second Cession of North Carolina; Congress accepts the Cession.
- IX. *Southwest Territory, 1790 to 1796; William Blount, Governor.*
 - (a) President appoints Daniel Smith, Secretary; David Campbell, John McNairy, Joseph Anderson Judges.
 - (b) President appoints Brigadier-Generals: John Sevier for Washington, James Robertson for Mero.
 - (c) Governor organizes Counties: Washington, Sullivan, Greene, Hawkins, Davidson, Sumner, Tennessee.
 - (d) Governor organizes Judicial Districts: Washington, Mero.
 - (e) Governor appoints Territorial, Judicial, Civil, and Military Officers; Issues Licenses.
 - (f) Governor's Policy; Conciliatory; Favors Statehood; Not firm in Indian Affairs.
 - (g) Indian Relations; Spanish Intrigues; Separatists; Federal authorities Deceived; Sentiment of New England.
 - (1) McGillivray; Guerrilla Warfare; Chickasaws Friendly; Blount's Vacillation.
 - (2) Zeigler's Station; Buchanan's Station; Murder of the Bledsoes; Robertson Resigns.
 - (3) Captain Handy Defeated; Beard's Attack; Cavett Station; Sevier's Expedition.
 - (h) Territorial Legislature convenes February 24, 1794.
 - (1) Forms Jefferson, Knox, Sevier, and Blount Counties, and Hamilton Judicial District.
 - (2) Provides for Census, Elections, and Constitutional Convention.
 - (i) Convention meets; Adopts Constitution; Orders Elections.
 - (j) Governor Blount notifies President Washington.
- X. *Southwest Territory becomes State of Tennessee.*
 - (a) State Legislature meets March 28, 1796, and Organizes the State.
 - (b) Legislature elects John Sevier, Governor; Elects Senators and Representatives to Congress.
 - (c) Opposition in Congress; House Passes Bill; Senate Disagrees.
 - (d) Rufus King Opposes; Samuel Livermore Favors Admission.
 - (e) Bill Passes May 31; Approved by President Washington, June 1, 1796.
- XI. *Indian Treaties; See Analysis and List under Map, pages 128, 129.*

PART II.

THE HISTORY OF TENNESSEE FROM ITS ADMISSION
INTO THE UNION, 1796, TO THE
PRESENT TIME.

DIVISION I.

TENNESSEE UNDER THE CONSTITUTION OF 1796.

DIVISION II.

TENNESSEE UNDER THE CONSTITUTION OF 1834.

DIVISION III.

TENNESSEE UNDER THE CONSTITUTION OF 1870.

THE GREAT SEAL OF THE STATE OF
TENNESSEE.



FIRST USED BY GOVERNOR ARCHIBALD ROANE,
APRIL 24, 1802.

DIVISION I.

TENNESSEE UNDER THE CONSTITUTION OF 1796.

CHAPTER XIX.

ADMINISTRATION OF SEVIER — 1796-1801.

240. Sevier Governor for the Constitutional Period of Six Years.—

Under the Constitution, the governor was the only officer elected by the people of the whole State. His term of office was fixed at two years, and he was prohibited from serving more than six years in any period of eight years. John Sevier was elected governor without opposition, and was twice re-elected with a like unanimity.



GOV. JOHN SEVIER.

241. Sevier an East Tennessean.—At the time of his first election, Sevier was beyond the meridian of life. His country had passed the heroic period, in which he had shone with such matchless splendor. He was the idol of East Tennessee. He had

been the leader of its people from the time Robertson crossed the mountains in 1779. He had defended them against the Indians, to whom his name carried more terror than a regiment of soldiers.¹ He had fought back the invading British, and, with Isaac Shelby, had shed immortal glory on East Tennessee at the decisive battle of King's Mountain. During all its ill-starred career, he had been the chief magistrate of the daring young State of Franklin. And after its

¹Gov. William Blount to the Secretary of War.

downfall, he had been elected to Congress from the Western District of North Carolina, being the first representative in the United States Congress from the Mississippi Valley.

242. Sevier not in Touch with Middle Tennessee.—While East Tennessee had leaned on John Sevier for safety, the Cumberland settlements had never looked to him, nor been the immediate objects of his brilliant achievements. They had not witnessed his daring feats of arms, nor been thrilled by the influence of his great personal magnetism. His presence was well-nigh irresistible, and was, in a measure, necessary to his popularity. These facts had an important influence on his career, as the center of population began to move to the westward of the Cumberland Mountains.

243. Putting the State in Accord with the Federal Government.—Before the State was admitted to the Union, it had elected two United States Senators, and provided for the election of two Representatives and four Presidential Electors. After its admission, the Senate refused to seat the Senators from Tennessee, on the ground that they were prematurely elected. Congress likewise passed an act allowing the State but one representative in Congress, which had the effect also to reduce the number of electors from four to three. As soon as these facts reached the governor, he called an extra session of the General Assembly, which met on the 30th day of July, and continued in session ten days. They re-elected Senators Blount and Cocke; passed an act for the election of one Congressman from the State at large; and provided for the appointment of three Presidential Electors.

244. Jackson Elected to Congress.—Andrew Jackson offered himself as a candidate for Congress, and was elected without opposition, being the first representative in Congress from Tennessee. He was the second officer elected by the people of the whole State, Governor Sevier having been the first. Jackson was then a young man of twenty-nine. He had lived in the country since reaching his majority, in 1788. Under the Territorial government he had made reputation as a district attorney. He was a leading member of the Convention that framed the Constitution for the new State, for which he is said to have suggested the name of Tennessee. He was the greatest leader of men this country has ever produced, and had even then gathered around him the nucleus of a following which afterwards became all-powerful, not in the State only, but in the nation as well.

245. Jackson and Anderson Elected to the Senate.—Before the general election in August, rumors of the imprudent conduct of William

Blount, which resulted in his expulsion from the United States Senate, had reached Tennessee. It was rightly conjectured that he could not be reëlected. Joseph Anderson, who became distinguished for his eminent services, both to the State and nation, was elected to succeed him. At the same session of the Legislature, Andrew Jackson, who had consented to become a candidate, was elected to succeed William Cocke, whose term in the Senate had also expired.

246. Question of the Indian Boundary.—

The question of most immediate and pressing interest to the State government, at that time, was the controversy between its people and the neighboring Indians concerning the boundary between them. Governor Sevier determined at the outset, that the safety and security of the settlers would be best promoted by a policy of peace and friendship with the Indians. A few years of quiet, he thought, would see the number of settlers so augmented that their progress could never again be seriously retarded by the Indians.



JOSEPH ANDERSON.

247. Running the Indian Line.—The treaty of Holston had been made in 1791, but was not carried into effect for some time, because of misunderstandings as to the line. Afterwards, the line was actually run and marked. In the meantime, the settlements south of the French Broad and Holston rivers, begun under the Franklin Treaties of Dumplin and Coyatee, had been extended to the Little Tennessee. Moreover, Powell's Valley was being settled under grants from North Carolina. Both of these settlements extended into the Indian country. (See Map of Public Lands, paragraph 270.) The removal of the settlers who were found beyond the line caused intense excitement on the frontiers. But through it all the peace policy of Governor Sevier was pursued with firmness, justice, and patience.

248. The Question of the Public Lands.—There were two other questions of vital interest to the people of the State. They were (1) the disposition of the public lands, and (2) the organization and regulation of the militia. Under an act of North Carolina, a land office was opened in Washington County in 1777. A similar office was opened in Sullivan County upon its formation two years later. Both of these offices were closed in 1781. A land office known as John Armstrong's office was opened in 1783. When the State passed the

first act ceding its western territory to the United States, in 1784, this office was also closed. From that date until 1806, a period of twenty-two years, there was not a land office open in the State. This anomalous state of affairs was caused by the earnest and protracted controversy between Tennessee, North Carolina, and the United States as to the right of disposition of the public lands in Tennessee, which is treated in Chapter XXI.

249. Organization of the State Militia.—In order to complete the organization of the State militia, in accordance with the provisions of the Constitution, the first General Assembly passed an act prescribing the mode of electing military officers. Company officers were to be elected by their companies, and the field officers by such persons in their respective counties as were subject to military duty. Brigadier Generals were to be elected by the field officers of their respective districts, and the Major General by the Brigadier Generals and field officers of the State. In case of a tie in the vote for Major General, the governor was to give the casting vote. George Conway was elected Major General.

250. Death of William Blount.—William Blount was one of the great men of the State. Of cavalier stock, he was a pronounced Republican. He began his career among the regulators, at the famous battle of the Alamance. He was a member of the General Assembly of North Carolina, of the Continental Congress, of the convention that formed the Constitution of the United States, and the convention of North Carolina that ratified it. When the Southwest Territory was formed, President Washington appointed him governor, and also Indian agent for the South. His duties were delicate and arduous in the extreme, but he performed them with great intelligence, untiring activity, broad patriotism, and eminently satisfactory results. He earnestly sought the admission of the Territory into the Union as a State, and was chairman of its constitutional convention. He became a United States Senator from the new State, but suffered the mortification of an expulsion from that body. But time has not vindicated the justice of his expulsion. His friends did all in their power to counteract its effect. General Robertson spoke of the matter in the saddest, gentlest terms. He had heard, he said, of the action of the Senate with great grief. He never could have judged the letter which was made the basis of the Senate's action, to have been so criminal.² James White, the father of Hugh L. White, having resigned his seat in the

²American Historical Magazine, Vol. IV, p. 344.

State Senate, of which he was speaker, Governor Blount was elected to that body and made its speaker. He received the kindest attentions from the people without exception. But death claimed him before they had an opportunity to honor him further.

CHAPTER XX.

ADMINISTRATION OF ROANE — 1801-1803.

251. Archibald Roane.—At the end of Governor Sevier's third term, he retired, and Archibald Roane was elected to succeed him. Roane was a native of Pennsylvania. He had a college education, and was a man of erudition as well as legal attainments. After the Revolutionary war, in which he took a part, he came to Washington District. When the Territorial government was organized, he was appointed attorney general for the district of Hamilton. He was one of the first judges of the Superior Court of the State, which position he retained until his election as governor. During the last four years of this time, he was associated on the bench with Andrew Jackson, with whom he contracted a warm friendship.



GOV. ARCHIBALD ROANE.

252. Legislative Acts.—During the session of the Legislature that met in 1801, Jackson County was erected. This is notable as the first geographical district named for Andrew Jackson. Since then, hundreds of counties and towns have been called in his honor. There is but one name on our map that occurs more frequently than that of Jackson, namely, Washington—and Washington was first so honored by the settlers on the Watauga and the Nollichucky. At this session, two committees were appointed, one to prepare a design for a State seal, and the other to contract for the manufacture of the seal. It was manufactured by William and Matthew Atkinson at Knoxville, and first used by Governor Roane, April 24, 1802, to authenticate an order to pay William and Matthew Atkinson \$100.00 "in full compensation for making the great seal of the State, and a press to work the same." This was the first and only great seal of the State. By an act of the

first Legislature, passed April 20, 1796, the Governor had been authorized to procure a seal. Ramsey erroneously states that Governor Sevier had the first seal made in Philadelphia. The records show that there was no State seal prior to April 24, 1802.¹

253. Land Speculations.—During the early history of this country, land speculations were carried to the greatest extreme. It became a craze, not in Tennessee only, but in all the western country. Even Washington was not exempt from it. The largest land speculator in Tennessee was Stockley Doneison. His holdings probably aggregated half a million acres.² Governor Sevier was another large land owner. He owned some fifty-seven thousand acres in what is now Overton and Clay Counties,³ and at one time had warrants for over one hundred thousand acres.

254. A Vacancy in the Office of Major General.—Major General George Conway died in 1801, leaving vacant the highest office in the militia of the State. Governor Roane issued an order directing the Brigadier Generals and field officers to meet together on the 5th of February, 1802, for the purpose of electing a Major General to fill the vacancy. The office of Major General was then esteemed one of the most honorable positions in the State, and was coveted by the most ambitious of its citizens. The candidates who offered for the vacancy were John Sevier, the late governor, and Andrew Jackson, one of the judges of the Superior Court of the State. When the vote was counted, it was found that neither had been elected. The vote stood:⁴

For Sevier—Washington District, 7; Hamilton District, 4; Mero District, 6; total, 17.

For Jackson—Washington District, 0; Hamilton District, 6; Mero District, 11; total, 17.

For Winchester—Washington District, 3; Hamilton District, 0; Mero District, 0; total, 3.

255. Jackson Elected by the Casting Vote of Governor Roane.—February 16th, 1802, the Secretary of State certified to the counting of the votes for Major General, with the result given above. On the same day, Maj. John Carter turned over the papers belonging to the entry-taker's office of Washington County. In doing so, he filed an affidavit that he had delivered to Governor Roane one file of papers purporting to be locations, which file, though found among the papers of the office

¹ Paper of R. L. C. White read before Tennessee Historical Society.

² A. B. Wilson, of Greeneville, Tenn., in the *Nashville American*, of April 4, 1897.

³ Life of Jefferson Dillard Goodpasture, p. 24.

⁴ Original certificate of Secretary of State, William Maclin, discovered by Dr. R. L. C. White, among the archives of the Secretary of State's office.

about the year 1795, he believed did not originally belong to it, but had been put there fraudulently. The affidavit was made before Willie Blount, J. P., and with the file of papers referred to, was the basis of the charges of fraud made against Governor Sevier. It was made, at that time, for the purpose of influencing the deciding vote of Governor Roane in the contest for Major General,⁵ which he cast in favor of Judge Jackson.

256. Sevier Becomes a Candidate to Succeed Roane.—Two years having intervened since Sevier retired from the office of Governor, he became a candidate against Roane, who wished to succeed himself. At the outset, the charge of fraudulent land dealings brought against Governor Sevier became the leading issue of the canvass. Sevier's contemporaries did not condemn him on these charges, and there is nothing in his character, as it comes down to us, to make posterity less lenient. The charges, however, have an historical value as charges once current, because of the influence they have had, not upon the careers of two popular heroes only, but upon the history and destiny of the State and nation as well. It has been repeatedly, but erroneously, stated that they had their origin in this canvass between Sevier and Roane. They grew, as we have seen, out of the canvass of Sevier and Jackson for Major General.

257. Jackson Takes the Fight off of Roane's Hands.—Roane was not lacking in courage. But he was a student, a man of letters — scholarly, thoughtful, retired — not a restless, eager, ambitious, leader of men. Jackson entered the lists in his behalf with the dash and impetuosity of a knight-errant. The canvass that followed really became a test of strength between Governor Sevier and General Jackson. The contest resulted in the election of Sevier by a vote of 6,786 to 4,923, the Middle Tennessee counties voting for Roane.

258. The Legislative Investigation.—Before he retired from office, Roane sent a special message to the Legislature, transmitting the papers filed with him by Major Carter. An investigation was ordered, which continued through the whole session. The House was adverse to Governor Sevier, but in the end a conclusion was reached which found the facts in substantial accord with Carter's affidavit, but did not attribute the fraud to Sevier, or otherwise characterize his motives.

259. Personal Rencounters Between Jackson and Sevier.—Pending this investigation, on October 1st, Judge Jackson, who was holding court in Knoxville, met Governor Sevier on the public square. A violent altercation resulted. This was followed by a challenge from Jackson. A meeting-place could not be agreed upon. Sevier refused

⁵ American Historical Magazine, Vol. IV, p. 381.

to receive further communication from Jackson. Jackson published Sevier as a "base coward and poltroon." A second encounter occurred. Friends interfered. An indifferent peace was patched up, and the episode ended.

CHAPTER XXI.

CONTROVERSY AS TO PUBLIC LANDS.

260. Private Purchases from the Indians.—The first settlements on the Watauga, as we have seen, were made in 1769 or 1770. The settlers at first leased their lands from the Indians. Afterwards they bought them. But they did not get a good title, because private purchases from the Indians were not lawful. The first substantial result of the annexation of Washington District by North Carolina was the extinguishment of the Indian title to their land by the treaty of Long Island of Holston, in 1777.

261. County Land Offices Opened.—A few months after the treaty of Long Island of Holston, the Legislature of North Carolina passed an act making it the duty of the justices of the peace of every county in the State to appoint entry-takers in their respective counties. At the same session of the Legislature, Washington County was erected, with boundaries coëxtensive with those of the present State of Tennessee. The lands lying west of the Indian line established by the treaty of Long Island of Holston, sometimes called Brown's line, while lying within the county, had not yet accrued to the State, either by treaty or conquest. A little later it was claimed by right of conquest. But the land office once open, the people began to make entries west as well as east of the Indian line. By an act of the succeeding year, those entries west of the Indian line were declared void. Two years later, in 1779, Sullivan County was erected, and an entry-taker was appointed for the county, but this office, as well as that of Washington County, was closed in 1781, and neither of them was ever reopened.

262. Cumberland Preëmptions.—Before these offices were closed, the Watauga hive had swarmed, a colony had crossed the mountains, and were settling in the beautiful valley of the Cumberland. The most important settlement was made by James Robertson, at the Bluff, in 1779. But others followed rapidly, and in May, 1780, when North

Carolina passed her first act providing for a military reservation, there were many daring pioneers found within its limits. A private act of North Carolina in 1784 designates by name and specially recognizes the preëmption claims of seventy of those settlers who were heads of families on the first day of June, 1780; of sixty-three who had been killed, in defense of the colony; and of nineteen who were under twenty-one years of age at that time, but who had, nevertheless, rendered distinguished service to the settlement. It being represented to the Legislature in 1782 that such pioneers had, before the passing of said act, settled on the said tract of country, it was enacted that 640 acres of land, including improvements, should be granted to each family or head of a family and to every single man of the age of twenty-one years and upwards, settled on said land before the first day of June, 1780, for which they were declared to have the right of preëmption.

263. John Armstrong's Office.— In 1783, the Legislature of North Carolina established the land office afterwards known as John Armstrong's office. The Cherokee Indians having taken part with the British towards the close of the Revolution, the State assumed title to their lands by right of conquest, and, disregarding the boundary established by the treaty of Long Island of Holston, threw open to appropriation the whole of its western territory, except —

1. A reservation for the Indians, consisting of a tract bounded on the south by the southern boundary of the State, and on the north, west, and east by the Tennessee, Holston, French Broad, and Big Pigeon rivers. (See Map of Public Lands, paragraph 270.)

2. The military reservation, described in paragraph 148, *ante*.

3. The Great Island of Holston, also called Long Island, which the Indians held in peculiar veneration as a treaty ground.

264. First Act of North Carolina Ceding Its Western Lands.— In April, 1784, just one year after the establishment of John Armstrong's office, the Legislature passed an act ceding the western territory of North Carolina to the United States. This act was accompanied by another, which, after reciting that it was just and right that no entries of land within the said territory should be allowed until the United States refused the cession, discontinued John Armstrong's office, and declared void all entries made in the territory after the 25th day of May, 1784, except entries of land allowed the commissioners, agents, and surveyors who extended the line of the military reservation, and the guards, hunters, chain-carriers, and markers who attended said commissioners.

The people of the State of Franklin having made the cession of their territory to the United States the occasion for the erection of that Commonwealth, in defiance of the authority of North Carolina, in October of the same year, the act of cession was repealed. But John Armstrong's office was never again opened.

265. Lack of System in the Disposition of Public Lands.— During the time that these several land offices were open, there was taken up more than 8,000,000 acres of the public land. One accustomed to the compact system of surveys and entries in the Northwest can hardly conceive the total lack of method in the disposition of the public lands of North Carolina. The owner of a land warrant was permitted to explore the whole country, and locate it anywhere and in any shape he chose, without regard to cardinal points, and without reference to prior entries. The result was that all the best lands were first taken up, and the poorer and less desirable lands, in detached bodies of larger or smaller areas, were rejected. Such scraps and remnants were left in every section of the State.

266. Second Act of Cession.— This was the condition of the public lands, when in 1789, North Carolina the second time ceded its western territory to the United States. This cession was made on certain express conditions, and was accepted April 2, 1790. These conditions, so far as it is necessary to mention them here, were as follows:

(1) That the military reservation should inure to the use and benefit of the officers and soldiers of the continental line of the State, their heirs and assigns; and if said reservation should not contain a sufficient quantity of land fit for cultivation to satisfy the general provision of law for their benefit, the deficiency might be made good out of any other part of the territory ceded, not already appropriated.

(2) That entries and grants made agreeable to law before the cession should have the same force and effect as if such cession had not been made: and power was reserved to the Governor of North Carolina to perfect titles under entries that had not previously been perfected by grant or otherwise.

(3) That, if any person had made his entry in John Armstrong's office and located the same on land already entered by another, he should have leave to remove the location of such entry to any land on which no entry had been specially located.

(4) That all rights of occupancy and preëmption to persons settled on and occupying said lands should continue in full force.

(5) That the act of cession should not prevent the people then residing south of French Broad, and between the rivers Tennessee and Pigeon, from entering their preëmptions should an office be opened for that purpose under an act of the General Assembly.

267. Public Lands in the Southwest Territory.—The country so ceded and accepted now became the Southwest Territory. Next to its acceptance, the most noteworthy fact in the history of the Southwest Territory is the absence of all legislation by the United States on the subject of its public lands.

Virginia ceded her western territory in 1784, and in 1785 the old Continental Congress passed an ordinance providing for the survey of the public lands in the Northwest Territory after a regular system, dividing the country into townships of six miles square, containing thirty-six lots of one mile square, of which lot No. 16 in each township should be reserved for the maintenance of public schools therein. But, during the entire six years in which Tennessee was a Territory of the United States, Congress never made any provision for applying to it the system of surveys so promptly adopted in the Northwest, nor, indeed, any other system, and never made or authorized any provision, present or prospective, for the support of public schools, academies, or colleges. Such a provision has been made in favor of every Territory of the United States except Tennessee.

268. Controversy over the Right to Dispose of Public Lands.—When Tennessee was admitted to the Union it was supposed there would be vacant and unappropriated lands left in the State, after satisfying the reservation in favor of North Carolina claims. In 1799, the State Legislature passed an Act establishing an office for receiving entries for all vacant lands within the several counties of the State. This act was subsequently suspended until its next stated session. In the meantime, it was notified by the Senators in Congress that the United States claimed the right to dispose of the vacant and unappropriated lands in the State. The Legislature then authorized the Senators to claim the absolute right of disposition in favor of this State, and to procure from the United States a relinquishment of their claim.

269. North Carolina Becomes a Party to the Controversy.—In the meantime, North Carolina continued to issue warrants and perfect titles to lands in Tennessee in the same manner it might have done if its cession had not been made. Tennessee now denied the right of North Carolina to grant lands in Tennessee, on the ground that the time within which claimants were required to make surveys and procure grants

had expired, and in 1801 passed an act to prevent the surveying and granting of lands in Tennessee by North Carolina.

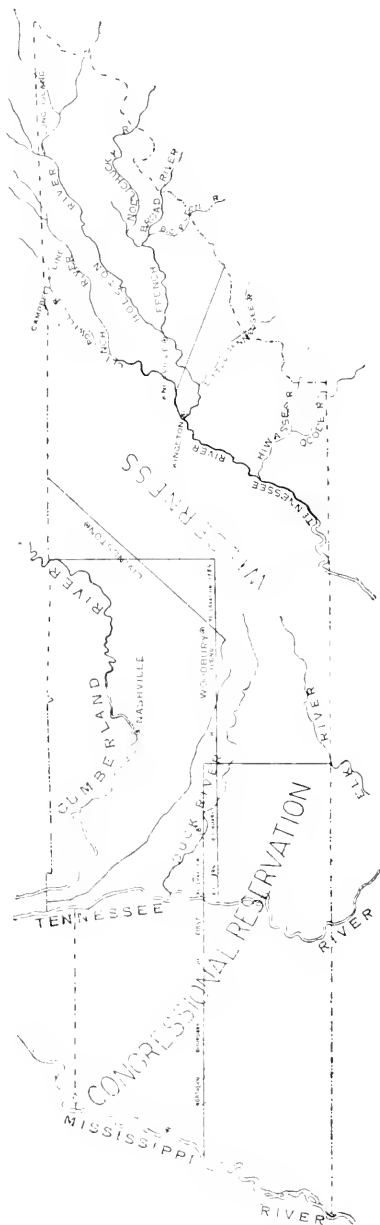
In 1803, the Legislature appointed John Overton an agent for the purpose of settling the differences between North Carolina and Tennessee by friendly explanation and adjustment. This negotiation resulted in an agreement authorizing the State of Tennessee to perfect titles to the lands reserved to North Carolina by the act of cession, subject to the assent of Congress.

270. The Compact of 1806.—

Congress gave its assent to this agreement, and entered into a compact settling the controversy between the United States and Tennessee, by an act approved April 18th, 1806. The important provisions of that compact were as follows:

(a) Tennessee ceded to the United States the sole and entire disposition of the lands south and west of a line beginning at the place where the main branch of Elk River intersects the southern boundary of the State, and running due north until it intersects the main branch of Duck River; thence down Duck River to the military line; thence west, with the military line, to the Tennessee River; thence down the Tennessee River to the northern boundary of the State, called the Congressional line (see Map).

MAP OF THE PUBLIC LANDS AND RESERVATIONS.



and exempted the same from taxation until the expiration of five years after the same should be sold.

(b) The United States ceded to Tennessee the lands east and north of the Congressional line, subject to the following conditions:

(1) Tennessee should satisfy all North Carolina land claims out of the territory ceded to it.

(2) It should appropriate 100,000 acres to be located in one entire tract, within the district south of French Broad and Holston and west of Big Pigeon River, for the use of two colleges, one in East and one in West (Middle) Tennessee.

(3) It should appropriate 100,000 acres, in one tract within said limit, for the use of academies, one in each county in the State.

(4) It should, moreover, in issuing grants, and perfecting titles, locate 640 acres to every six miles square in the territory ceded to it, where existing claims would allow the same, which should be appropriated for the use of schools forever.

(5) That the college and academy lands should not be sold for less than two dollars per acre, provided, that the people residing south of French Broad and Holston and west of Big Pigeon River should be secured in their rights of occupancy and preëmption at a price not less than one dollar per acre.

271. College and Academy Lands.—It will be observed that the college and academy lands were to be laid off in two entire tracts of 100,000 acres each, to be located south of French Broad and Holston rivers, and west of Big Pigeon River (see Map). The purpose of these provisions was that the college and academy rights might be located on the lands preëmpted by the pioneer settlers of that region, which is the only section of the State that has never been subject to appropriation on North Carolina land warrants. On the same day the Legislature accepted the act of Congress, it directed the college and academy lands to be laid off in two entire tracts, and in order that they might embrace the very best lands in the district, it was provided that they should contain land actually claimed by occupancy, or such as was fit for cultivation and improvement.

272. Pioneers of the Country South of French Broad and Holston.—The pioneers of the country south of the French Broad and Holston rivers (see Map) have an interesting history. They had first settled their homes with the most heroic courage under sanction of treaties between the State of Franklin and the Cherokee Indians at Dumplin Creek and at Coyatee. In 1788 the authority of North Caro-

lina having been completely restored over the territory of the late State of Franklin, they found themselves without governmental protection. In this situation, following the instincts of the Anglo-Saxon race, they adopted such rules of government as were suited to their condition, and existed as a separate and independent republic until received into the Southwest Territory.

In his message to the Legislature in 1806, Governor Sevier declared that they were "respectable and worthy inhabitants, who have suffered by Indian depredations in a manner too deplorable to relate," and recommended that the paternal care of the Assembly be tenderly exercised toward such a deserving and worthy class of citizens.

The Legislature accordingly secured these lands to the occupants at the minimum price fixed; the more readily, in view of the fact that one dollar per acre was all, and perhaps more, than the lands were worth.

273. The Provision in Favor of Public Schools.—The same act which provided 200,000 acres for colleges and academies also provided 640 acres in every six miles square for the use of common schools. This latter provision was practically ineffective, because the lands had already been taken up and were no longer subject to appropriation for school purposes. It was the first care of the State to direct that the lands north and east of the Congressional line, exclusive of the district south of the French Broad and Holston rivers, be laid off into districts and sections, and that 640 acres of land in each section of six miles square, which should be fit for cultivation and improvement, and as near the center of such section as existing claims and quality of the land would admit, should be set apart for the use of schools. But so completely had the lands fit for cultivation and improvement, which alone were then considered worth the cost of entering, been taken up under the laws of North Carolina, that the surveyors of the six districts north and east of the Congressional line could locate only 22,705 acres of school lands out of a total of 444,444 acres to which the State was estimated to be entitled.

CHAPTER XXII.

THE GREAT REVIVAL, AND THE ORIGIN OF THE CUMBERLAND PRESBYTERIAN CHURCH — 1800-1810.

274. Presbyterians First in the Field.—The early religious development of Tennessee was as marked and characteristic as its political growth. Both were distinguished by a robust independence and individuality of thought and action, which was not always conducive to peace and harmony. The first preachers on the grounds were Presbyterians. The Baptists and Methodists did not reach the field until some ten years later. In 1772, the Rev. Charles Cummings located at Wolf Hills (Abingdon, Va.), and served two congregations on the frontiers along the Holston. One of these embraced the pioneers of Sullivan County, and was in reach of the Watauga settlement across the river. Cummings was a patriot as well as a preacher. He served his county as chairman of its committee of safety in 1775, and was Chaplain of Col. Christian's regiment in the expedition against the Cherokees in 1776. It was his custom to carry his rifle to the pulpit and deposit it in easy reach before he commenced the services of the day.

275. The Presbyterians.—The Presbyterian Church laid great stress on the orthodoxy and learning of its ministry. It was early divided into "Old Side" and "New Side," chiefly on these questions. Though this breach was healed in 1758, the differences which gave rise to it still existed when Tennessee was admitted to the Union in 1796. Abingdon Presbytery had been formed in 1785. In 1786 it was divided into Abingdon and Transylvania Presbyteries, the latter being composed of David Rice, Thomas Craighead, Adam Rankin, Andrew McClure, and John Crawford, and embracing the Cumberland settlements of Tennessee, in which Craighead had located in 1785. Of the ministers who formed Abingdon Presbytery, Charles Cummings, Samuel Doak, Edward Crawford, Joseph Lake, and James Balch held the opinions of the "Old Side," while Heskiah Balch, John Coussan, Samuel Carrick, Robert Henderson, and Gideon Blackburn entertained the more liberal views of the "New Side." Heskiah Balch was brought before the Presbytery for teaching "Hopkinsianism." The "Old Side" ministers above mentioned were so dissatisfied with the

Presbytery for accepting his explanations and apology, that they seceded and formed the "Independent Presbytery of Abingdon." In the following year (1797) the seceders disavowed their independence, and made their submission to the Synod. The suspension pronounced against them was thereupon removed, and they were restored to the full exercise of their ministerial office. But the differences between the parties being found irreconcilable, Abingdon Presbytery was again divided, this time into Abingdon and Union, the "Old Side" ministers constituting the former, and the "New Side" the latter.¹

276. The Baptists.—About 1780, William Murphy, James Keel, Thomas Murrell, Tidence Lane, Isaac Barton, Matthew Talbot, Joshua Kelly, and John Christian, ministers of the Baptist Church, and all from Virginia, except Tidence Lane, who was from North Carolina, moved into what was called the Holston country. Considerable numbers of their brethren accompanied them—sometimes in an organized capacity, as was the case with a body from Sandy Creek Church in North Carolina, which settled on Boone's Creek. The Baptists were not, however, so numerous as the Presbyterians or Methodists, and took little part in the great revival of 1800.²



REV. JOHN B. MCFERRIN, D. D.

277. The Methodists.—Jeremiah Lambert was appointed to the Holston Circuit in 1783, and was the first Methodist preacher in Tennessee. Three years later, Methodism was carried to Middle Tennessee by Benjamin Ogden. The work on the Cumberland was greatly retarded for a time by the schism headed by James O'Kelly, and called Republican Methodists. When William Burk came to the Cumberland

Circuit in 1795, he found that James Haw, who had been the leading Methodist on the Cumberland, had embraced the views of O'Kelly, and by his influence and address had brought over to his schism the traveling preachers, and all but one of the local preachers in the country.³

¹ Rev. James Park's History of First Presbyterian Church in Knoxville.

² Benedict's History of the Baptists (Edition of 1813), Vol. II, pp. 214-215, and 252.

³ Finley's Sketches of Western Methodism, p. 46.

But by the conference of 1796, Bishop Asbury was able to congratulate him on the defeat of the O'Kellyites during the year. The subsequent growth of the church may be studied in the very full and complete History of Methodism in Tennessee, by Rev. John B. McFerrin, one of its pioneers.

278. James McGready, and the Beginning of the Great Revival.—

In the meantime a great revivalist appeared in the Transylvania Presbytery. James McGready had a remarkable experience. Born in North Carolina of Presbyterian parents, at an early age he was admitted to the communion of the church, and became a candidate for the ministry. He was given excellent opportunities for his education, to which he applied himself with diligence. One night he overheard a conversation not intended for his ears, in which two of his friends agreed in the opinion that he was a mere formalist, a stranger to regenerating grace. His conscience was touched. A rigid self examination convinced him of the justice of the criticism. He became an earnest seeker, and himself leaves the record of his subsequent conversion. He now devoted himself to the ministry with great earnestness and power. His success brought with it opposition. He was charged with running the people distracted, and diverting their attention from the necessary avocations of life. This was in Orange County, North Carolina. In 1796, he moved to Logan County, Kentucky, and became pastor of Gasper River, Red River, and Muddy River congregations. In the spring of the following year, a woman, a communicant of the Gasper River Church, was converted, and labored among her friends and neighbors with the same earnestness and zeal that had followed McGready's conversion. The result was a general awakening in the Gasper River congregation. This was the beginning of the great revival of 1800.

279. John and William McGee.—John and William McGee were brothers. They were natives of Guilford County, N.C. Their parents were Presbyterians. John McGee, while on a visit to a brother in Maryland, joined the Methodist Church, in which he soon afterwards became a preacher. When William McGee grew up he joined the Presbyterian Church, perhaps under the ministration of McGready. He became a preacher, and in 1794 moved to Sumner County, Tenn., then Southwest Territory, and took pastoral charge of the Shiloh congregation. In 1798 John McGee also emigrated to Tennessee and settled near Dixon's Springs, in Smith County.

280. The McGee Brothers Join in the Revival.—During the year 1798, the revival work was greatly intensified on Gasper River, and spread to McGready's other congregations. The next year it was renewed in all three congregations with remarkable manifestations and wonderful effect. Their doctrinal differences were not sufficient to dissolve the ties of love and affection which bound the McGee brothers together. In this year they agreed to make a tour together through the barrens towards Ohio, and attend a sacramental meeting in McGready's Red River congregation on the way. At this meeting were first manifested those remarkable demonstrations or exercises that generally characterized the great revival. From this time the Presbyterians and Methodists united in the revival work.

281. The First Camp - Meeting.—With the year 1800, the work continued with increasing power. The sacramental meetings at Red River in June, McGready pronounced the greatest season of refreshing these churches had yet experienced. But the country was very sparsely populated. Many pioneers never had preaching nearer than twenty miles of them. For those who had so far to go, a protracted meeting appeared an impossibility. A family just moved to the county desired to attend one of McGready's meetings. For want of a better way, they provided themselves with necessary provisions, and attended in their wagon, and camped near the church, as they had camped during their journey to the West. They were enabled to give their uninterrupted attention to the divine ministration.

At a subsequent meeting, two or three families went in a similar way. McGready observed it, and previous to the meeting at Gasper River, in July, 1800, he proclaimed far and wide that he expected the people to camp on the ground. A vast concourse of people attended, some coming, it is stated, from twenty, thirty, fifty, and even a hundred miles. This was the first camp-meeting ever held. The people adapted themselves to the conditions which surrounded them. These meetings spread rapidly over all the Western country, where they were as useful as they were popular. They have gradually subsided as the density of population has made them less necessary.

282. The Jerks.—One of the most remarkable characteristics of the Great Revival was the physical exercises with which it was attended. They are generally referred to as the "Jerks," though the jerks was only one form of their manifestation. The first exercise developed was that of falling, where the subject, generally with a piercing scream, would fall to the earth, and appear as one dead. This occurred in

the Red River congregation in 1799, where, in the language of John McGee, the floor was soon covered with the slain. The jerks sometimes affected a single member, and again the whole body. If the head alone were affected, it would be jerked backward and forward, or from side to side, with such rapidity that the features could not be distinguished. If the whole system were affected, the body would jerk backward and forward in quick succession, the head descending each time nearly to the earth. Saints and sinners, the wise and ignorant, alike were subjected to these exercises, with their accompanying manifestations of singing, shouting, crying, leaping, and dancing, at church, at home, on the road, and in the forest. They attracted the attention of people of the whole world. Many from every quarter came to witness the strange manifestations, great numbers of whom had their hearts deeply affected. In this way it served to spread the work of the revival.

283. More Preachers Demanded.—At first the Presbyterian ministers, generally, as well as the Methodists, proclaimed themselves friends to the revival, but as the work progressed, some of them withdrew their countenance from it. Although the revival ministers labored night and day, the cry of the people for more preaching was incessant. At this juncture, the Rev. David Rice, the oldest minister in the Transylvania Presbytery, who lived in one of the upper counties of Kentucky, visited and made himself acquainted with the situation in the Cumberland country. He came to the conclusion that their only remedy was to make use of such material as they themselves could furnish. He therefore proposed the plan of encouraging such among them as appeared to be men of good talents, and who discovered a disposition to exercise their gifts in a public way, to preach the gospel, although they might not have acquired that degree of education which the letter of the discipline required.

284. Anderson, Ewing, and King Licensed.—In accordance with the recommendation of Rice, Alexander Anderson, Finis Ewing, and Samuel King, zealous, intelligent, and influential members of the church, were encouraged to present themselves before the Transylvania Presbytery. Neither of them had enjoyed the advantages of a collegiate education, and all of them were now men of families, somewhat advanced in age. Finally, on a close division, a minority protesting, they were licensed as probationers by Transylvania Presbytery, having adopted the confession of faith with the exception of the idea of fatality, which they believed it taught. Subsequently they were ordained as

ministers of the gospel by Cumberland Presbytery, which was formed from Transylvania in 1802.



REV. JNO. L. DILLARD, D. D.

285. Cumberland Presbytery Dissolved.—The division of Transylvania Presbytery gave the revival party a decided majority in that part of it formed into Cumberland Presbytery, which majority was increased from year to year. Then came a long contest between the majority of Cumberland Presbytery and Kentucky Synod. Finally, Cumberland Presbytery was dissolved, and the majority formed themselves into a Council, and agreed on a petition to the General Assembly. They determined to promote the interest of the church as well as they could until an answer to their petition could be obtained. The General

Assembly requested the Synod to review its proceedings. This encouraged the council to send forward a second petition. Upon this the General Assembly decided with the synod.

286. Organization of the Cumberland Presbyterian Church.—An effort to effect a reconciliation with the Kentucky Synod having failed, on the 4th day of February, 1810, in the old log house of Samuel McAdow, in Dickson County, Tennessee, Samuel McAdow, Finis Ewing, and Samuel King, regularly ordained ministers of the Presbyterian Church, against whom no charge, either of immorality or heresy, had ever been made, constituted themselves into a Presbytery, known by the name of Cumberland Presbytery, on condition that no candidate for the ministry should be required to receive and adopt so much of the Confession and Discipline of the Presbyterian Church as teaches the idea of fatality, nor to stand an examination in any other than the English language. Such was the origin of the Cumberland Presbyterian Church. Its name was taken from the old Cumberland Presbytery, which had been named for the Cumberland River, that flowed through its bounds. It celebrated the semi-centennial of the meeting of its first General Assembly in 1880, Rev. John L. Dillard, D. D., who assisted in its organization, delivering the principal address. The church now numbers more than 200,000 members.

287. Other Christian Churches.—Prior to 1810 the Presbyterians, Baptists, Methodists, and Cumberland Presbyterians were the only

denominations represented in Tennessee. Subsequently, most of the leading churches have extended their organizations into the State; the Lutherans in 1825, the Disciples or Christians in 1826, the Episcopalians in 1827, and the Catholics in 1830. All of them now have large and important followings.

CHAPTER XXIII.

ADMINISTRATION OF WILLIE BLOUNT — 1809-1815.

288. The Jackson Party Obtains Control of the State Government.—As we have seen, Governor Sevier and General Jackson were the great rivals for leadership in Tennessee. The result seemed to depend upon the population of their respective divisions of the State. By the time Governor Sevier had held his office a second time for the constitutional limit of six years, the preponderance of the western portion of the State was undoubted. In 1809, Willie (pronounced Wy-ly) Blount, a Middle Tennessee man, was elected his successor, and was reëlected for the constitutional limit of three terms. Just before the expiration of Governor Sevier's last term, he became a candidate for the United States Senate, to succeed Judge Anderson, but Anderson was reëlected by a vote of 23 to 16. Two years later, Governor Sevier was elected to Congress from the Knoxville District, and kept there by repeated elections as long as he lived.



GOV. WILLIE BLOUNT.

289. The War of 1812.—Early in Governor Blount's second term, war was declared against Great Britain. It is not the province of a State History to discuss the cause of that war, or recount its events. It is sufficient to say, it was highly pleasing to the people of Tennessee, to whom the disunion sentiments of the New England Federalists, which culminated in the celebrated Hartford convention, of December, 1814, were odious. With the admission of the State into the Union, the

control of the Federal Government had passed into the hands of the Republican or Democratic party, whose political principles were in accord with the sentiments of the people of Tennessee. They were prepared, therefore, to support Mr. Madison in this second war with Great Britain. At the first sound of the tocsin, General Jackson, with 2,500 Tennessee volunteers, entered the services of the government. His objective point was New Orleans, but he was stopped at Natchez, and there left to chafe and fret under enforced inactivity, until he received an order from the Secretary of War dismissing his corps from service. This was in mid-winter, February, 1813, and five hundred miles from home. General Jackson determined, at any hazard, to march his men back to Tennessee before he dismissed them. It was on this homeward march that he received the affectionate nickname of "Old Hickory."

290. Tecumseh and Weatherford.—Tecumseh, chief of the Shawnee Indians, was a great man. He had the capacity to conceive grand projects and difficult combinations, and the magnetism and address to win multitudes to his cause. It was he who formed the great scheme of uniting all the Western tribes of Indians, from the Gulf to the lakes, in a close confederation against the whites, for the purpose of recovering their ancient heritage. In furtherance of his enterprise, he visited Alabama, where his parents had lived. While here, William Weatherford, or Red Eagle, as the Indians called him, was won over to his plans. But when it became apparent that the Creek nation could not be made to unite on the enterprise, Weatherford desired to withdraw from it. But it was too late. The war party had been wrought up to such a frenzy that they could no longer be controlled.

291. The Massacre of Fort Mims.—The Alabama country, then a part of Mississippi Territory, was dotted with forts and block-houses, just as this had been in its early settlement. Samuel Mims had built a fort not far from Mobile. When the country became thoroughly alarmed, his neighbors hastened to his enclosure. Governor Claiborne sent a detachment of volunteers to assist in its defense. In all, it contained five hundred and fifty-three souls, more than one hundred of whom were the wives and children of the pioneers. On the morning of August 30, 1813, the commandant wrote Governor Claiborne that the fort was impregnable. Before night the Indians surprised, assaulted, and took it, and massacred its unfortunate inmates. Hardly more than a score escaped. Not a white woman or child was spared. Weatherford was in command, but he made an earnest though fruitless effort to save the captives.

292. News of the Massacre Reaches Nashville.—News of the fall of Fort Mims reached Nashville on the 18th of September, and created the most intense excitement. A public meeting was held. Committees were appointed to confer with Governor Blount and General Jackson. Jackson had been in bed two weeks from wounds he had received in an affray with the Bentons, but he assured the committee that he would be able to command as soon as the freemen of Tennessee could be assembled. The Legislature was convened at once, and on the 25th of September the Governor was authorized to call thirty-five hundred volunteers to the field, in addition to the fifteen hundred already enrolled in the service of the United States. On the next day, Jackson dispatched Col. John Coffee with his regiment of five hundred horse, and such mounted volunteers as he could instantly assemble, to Huntsville, two hundred miles south of Nashville. By the time he reached Huntsville, October 4th, his force had been augmented to nearly thirteen hundred men. Jackson's whole division reached Huntsville on October 11th.



GEN. JOHN COFFEE.

293. The Battles of Tallushatchee, Talladega, Emuckfau, and Enotachopco.—In this campaign Jackson displayed every characteristic of a great commander. He was confronted with most unusual difficulties. In a hostile and unsettled country, he was without supplies. The fortitude of his troops not being equal to their bravery, they mutinied, and only returned to their duty when, as he stood before them, his left arm still in a sling, and his musket resting upon the neck of his horse, Jackson swore he would shoot the first man who attempted to proceed. November 3d, he engaged the enemy at Tallushatchee, whither General Coffee had been dispatched with a force of nine hundred men to destroy a large band of hostile Indians who occupied that place. After a bloody resistance, General Coffee obtained a signal victory. The Indians fought till their last warrior was killed—not one escaped. Jackson now built Fort Strother, at the Ten Islands in Coosa River, which he made the base of his operations. On the 8th, he marched to the relief of a band of friendly Indians cooped up in Talla-

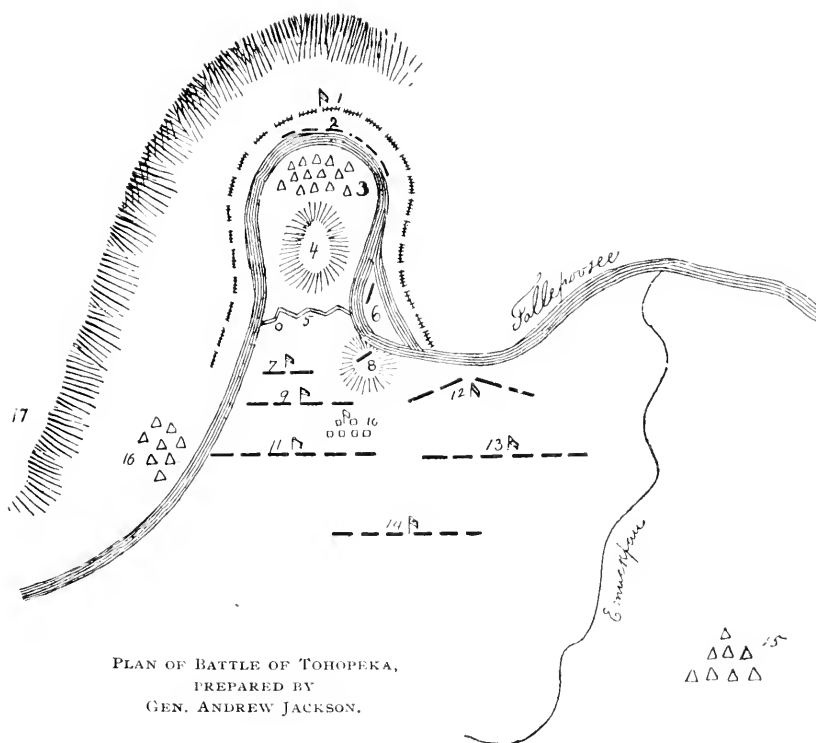
dega by a force of more than a thousand hostile Creeks. On the 9th, the Battle of Talladega was fought, in which General Jackson was again entirely successful. On January 22d and 24th, the battles of Emuckfau and Enotachopco were fought. In the latter action, General Coffee was severely wounded. The venerable William Cocke, whom Jackson had succeeded in the United States Senate in 1797, at the age of sixty-five, entered this engagement, joined in the pursuit of the enemy with youthful ardor, and saved the life of a fellow soldier by killing his savage antagonist.¹

294. Jackson Prepares for a Decisive Battle.—The decisive battle of the campaign was that of Tohopeka, or Tehopisca, as General Jackson calls it in his official report to Governor Blount, from which this account of the battle is taken. After the battle of Enotachopco, Jackson had been reinforced by six hundred regulars under Col. John Williams, and large bodies of militia from both East and Middle Tennessee. He now had all the force he required, and at once set about making provisions for an energetic campaign. His first objective point was the Indian stronghold at Tohopeka. His army now numbered about five thousand men. After detaching such numbers as were necessary for other duties, particularly for garrisoning Forts Strother and Williams, the latter of which he erected between Fort Strother and Tohopeka, he was left at the head of some three thousand men. With these he set out from Fort Williams on the 24th of March for Tallapoosa. He reached the bend of the Tallapoosa three miles beyond the scene of the battle of Enotachopco, on the morning of the 27th.

295. The Indian Stronghold.—This bend, the report says, “resembled in curvature that of a horseshoe, and is thence called by that name by the whites. Nature furnishes few situations so eligible for defense, and barbarians have never rendered one more secure by art. Across the neck of land which leads into it on the north, they had erected a breastwork of the greatest compactness and strength, from five to eight feet high, and prepared with double rows of port holes very artfully arranged. The figure of this wall manifested no less skill in the projectors of it, than its constructors. An army could not approach it without being exposed to a double and cross-fire from the enemy, who lay in perfect security behind it. The area of this peninsula thus bounded by the breastworks, includes, I conjecture, eighty

¹ General Jackson's dispatch to General Pinckney.

or one hundred acres."² This fort was defended by perhaps a thousand Indian warriors



- | | |
|------------------------|----------------------------------|
| 1. Coffee Cavalry. | 10. Wagons, Pack-horses, and |
| 2. Cherokees. | Wounded, in center. |
| 3. Indian Village. | 11. Colonel Copeland. |
| 4. High Grounds. | 12. East Tennessee Militia. |
| 5. Breastworks. | 13. Colonel Cheatham. |
| 6. Island. | 14. Rear Guard. |
| 7. Advanced Guard. | 15. Emuckpau — old battleground. |
| 8. Hill and Artillery. | 16. New Youcan — burnt before. |
| 9. Regulars. | 17. High Hills. |

o. That angle at which Montgomery fell.

² See Plan of Battle, which was prepared by Jackson, to accompany his report.

296. Disposition of Jackson's Forces.—General Jackson meant that his victory should be complete, and early on the morning of the 27th, he dispatched General Coffee with his force of some seven hundred mounted men, and nearly all the Indians, with instructions to cross the river, and surrounded the bend, so that none of the enemy could escape in that direction. By 10.30 o'clock the artillery was placed on a small eminence in front of the breastworks, and opened fire upon its center, which was continued about two hours.

297. Jackson Takes the Fort by Storm.—At this point, Captain Russell's company of spies and the Cherokee force crossed over to the extremity of the peninsula in canoes, and set fire to a few of the Indian buildings in that part of the place. They then advanced upon the breastworks, and commenced firing upon the enemy from his rear.

General Jackson now determined to take the place by storm. The men entreated to be led to the charge with most pressing importunity, and received the order with the strongest demonstrations of joy. The regulars were soon in possession of the nearer side of the breastworks. The militia accompanied them with great vivacity and firmness.

After a short but very obstinate muzzle to muzzle contest through the port-holes, in which many of the enemy's bullets were welded to the Tennesseans' bayonets, the latter succeeded in gaining possession of the opposite side of the works. Maj. L. P. Montgomery, for whom the capital of Alabama is named, was the first man upon the breastworks, and while calling upon his men to follow, he received a ball in his head and fell to the ground dead. A young ensign instantly mounted to his place. A barbed arrow pierced his thigh, but, nothing daunted, he called to his comrades to follow, and leaped down among the Indians. This was Sam Houston, afterwards the hero of San Jacinto. He was followed by the others, and the enemy was routed and cut to pieces. When they gave way, Ensign Houston sat down and called a lieutenant from his company to extract the arrow from his thigh. Two vigorous efforts failed to release it. In a fury of pain and impatience he cried, "Try again, and if you fail I will smite you to the earth." Exerting all his strength, the lieutenant literally tore the barbed missile from the ensign's flesh. The wound bled so profusely that he had to retire for the purpose of having it bandaged. Nevertheless, it was Ensign Houston who volunteered to lead a charge for the purpose of dislodging a party of the enemy who had taken cover under the bluffs of the river. Two balls in his right shoulder brought his arm powerless to his side, and staggering out of the fire, he lay down totally disabled.

The carnage was terrible. The Indians neither asked nor would they receive quarters. Between eight and nine hundred of their braves were slain. Hardly more than a score escaped. Jackson's fatalities were 49 killed and 154 wounded, about one-third of whom were friendly Indians. This was the last stand made by the Indians. Their power was utterly and permanently broken.

298. Weatherford's Speech.—Weatherford accepted Jackson's terms of peace in a speech that has been pronounced the most remarkable of any in the Indian tongues.³ "There was a time," he said, "when I had a choice and could have answered you. I have none now — even hope has ended. Once I could animate my warriors to battle, but I can not animate the dead. My warriors can no longer hear my voice; their bones are at Talladega, Tellushatchee, Emuckfau, and Tohopeka. I have not surrendered myself thoughtlessly. Whilst there were chances of success I never left my post nor supplicated peace, but my people are gone, and I now ask it for my nation and for myself. On the miseries and misfortunes brought upon my country, I look back with deepest sorrow, and wish to avert still greater calamities. If I had been left to contend with the Georgia army, I could have raised my corn on one bank of the river, and fought them on the other; but your people have destroyed my nation. You are a brave man. I rely upon your generosity. You will exact no terms of a conquered people but such as they should accede to. Whatever they may be, it would now be murder and folly to oppose. If they are opposed, you shall find me amongst the strongest enforcers of obedience. Those who would still hold out can be influenced only by a mean spirit of revenge, and to this they must not and shall not sacrifice the last remnant of their country. You have told our nation where we might go and be safe. This is good talk, and they ought to listen to it. They shall listen to it!"

299. Jackson Goes to New Orleans.—On the return of General Jackson and his militia to Tennessee, they were everywhere received with unbounded enthusiasm. Jackson was the idol of the State. Old enmities were forgotten; geographical boundaries were obliterated; the whole State united to do him honor. His fame penetrated even beyond the State. In May, 1814, a brigadier generalship in the regular army fell vacant, and the President offered it to General Jackson. A few days later, Major General William Henry Harrison resigned. Before General Jackson had accepted or rejected the brigadier generalship,

³ Henry A. Wise's *Seven Decades of the Union*, p. 62. See Pickett's *History of Alabama*.

he received a tender of the major generalship, which he at once accepted. He now marched to New Orleans, and the fame of his exploits there penetrated to the remotest quarters of the civilized world.

300. The Battle of New Orleans.—The principal engagement at New Orleans was fought on the 8th of January, 1815. Jackson's position was protected by a line of mud breastworks, with a ditch in front, and was defended by a miscellaneous force of some 5,500 men, consisting largely of Tennessee and Kentucky riflemen. The enemy numbered 10,000 fighting men, chiefly veterans of the Peninsular war, and were commanded by Sir Edward Packenham, among the ablest of the Iron Duke's lieutenants. They were reputed the best troops in Europe, and certainly lost nothing of their character by their conduct in America. All night on the 7th, the din of preparation could be heard in the British camp. By sunrise on the 8th, they were drawn up in martial array. Then the column moved forward with a firm step and determined purpose. The main attack was to be on the Americans' left, which was defended by the Tennessee riflemen under Generals Carroll and Coffee. Amid a terrific artillery duel, the scarlet column moved steadily forward in perfect order and with unfaltering tread. As they approached the American works, they broke into a run. General Carroll coolly waited until they were within two hundred yards before he gave the word "fire!" Then rank after rank of the Tennessee riflemen rose and fired with such deadly aim that the withering column



GEN. EDMUND PENDLETON
GAINES.

of the enemy staggered, halted, and gave back. The gallant Packenham then rallied them, and with the determined purpose of veterans, they renewed the assault. The leaden hail again beat in their faces, and Packenham and Gibbs both fell before it. In vain Keane brought the stubborn Highlanders to the assault. They could do no more than mingle their blood with that of their comrades, as his blood mingled with that of Packenham and Gibbs. The British lost more than two thousand men in the engagement, most of whom fell in the main attack, in which the American loss was only

thirteen. "The American soldiers deserve great credit for doing so well; but greater credit still belongs to Andrew Jackson, who, with

his cool head and quick eye, his stout heart and strong hand, stands out in history as the ablest general the United States produced from the outbreak of the Revolution down to the beginning of the Great Rebellion."⁴

301. Generals Gaines and Winchester.—While Jackson was making the arms of Tennessee famous, in the South, Generals Edmund Pendleton Gaines and James Winchester were adding honor to her martial spirit, in the North. General Gaines was brevetted major general and received the thanks of Congress and a gold medal for his gallant defense of Fort Erie, in 1814.

CHAPTER XXIV.

ADMINISTRATION OF JOSEPH MCMINN — 1815-1821.

302. McMinn Elected Governor.—The administration of Governor Blount had closed in a blaze of glory. He had contributed much to the successful termination of the Creek War by his hearty and energetic coöperation with General Jackson. In Jackson's greatest need he had raised \$370,000 on his own responsibility, for which he received the thanks of the President, three Secretaries of War, and the Legislature of his State. He now retired, and a number of distinguished citizens contested for the succession—Jesse Wharton, Robert C. Foster, Robert Weakley, and Thomas Johnson, from Middle Tennessee, and Joseph McMinn, from East Tennessee. McMinn was elected. The new governor was a Pennsylvanian by birth. He came to Tennessee before the organization of the Territorial government in 1790, and acted a prominent part in the early history of the State. He was twice reelected governor, defeating Robert C. Foster in 1817, and Enoch Parsons in 1819.

303. The Seminole War.—In 1817, the Seminole war broke out. General Jackson was sent to conduct it, and was authorized to call on the adjacent States for such additional troops as he might need. The only volunteers he carried with him were 1,100 Tennesseans. It was in this campaign that he seized Pensacola, notwithstanding the protest of the Spanish governor. He also arrested Arbuthnot and Ambrister,

⁴ Roosevelt's *Naval War of 1812*, p. 492.

who were English subjects, and had them tried by courtmartial for aiding the Indians. In accordance with its sentence, the former was hanged and the latter shot. This invasion of Spanish territory and execution of English subjects not only threatened international complications, but were made subjects of the bitterest criticism by Jackson's opponents at home.



JOHN HENRY EATON.

In 1818, John H. Eaton was appointed to the United States Senate. He had completed and published, in 1817, a life of Andrew Jackson, which had been commenced by John Reid. This was the first life of Jackson printed. Eaton continued in the Senate until 1829, when he retired to enter Jackson's Cabinet as Secretary of War.

304. West Tennessee Opened for Entry.—

Two of the most interesting questions that arose in the administration of Governor McMinn was the opening of West Tennessee for settlement, and the financial panic of 1819-20. West Tennessee embraces that part of the State lying west of the Tennessee River. When it was first opened for settlement, it was called the Western District, because, up to that time, the middle portion of the State had been called West Tennessee. But it was not long before the three grand divisions of the State received their natural designations of East, Middle, and West Tennessee. The reader will remember that the compact of 1806, between the United States and Tennessee, vested the title to all the lands in the Congressional Reservation, which included West Tennessee, in the United States, with the proviso that if there should not be enough land north and east of the Congressional line to satisfy the North Carolina land warrants, issued in accordance with the reservation in her deed of cession, any excess might be satisfied out of the Congressional Reservation. In 1818, it was clearly and certainly ascertained that there was not a sufficient quantity of land north and east of the Congressional line to satisfy the outstanding claims of North Carolina.¹ Accordingly, on the 4th of April, 1818, Congress passed an act authorizing Tennessee to issue grants and perfect titles on such claims, to lands south and west of the Congressional line, in the same manner she did to those north and east of that line.²

¹American State Papers, Public Lands, Vol. IV, p. 382.

²3 United States Statutes at Large, p. 416.

305. Indian Title to West Tennessee Extinguished.—The right to have North Carolina land warrants satisfied out of West Tennessee lands did not carry with it the right of present possession. West Tennessee was then in the possession of the Chickasaw Indians. It was necessary to extinguish their title before it could be opened for settlement. For this purpose, Isaac Shelby and Andrew Jackson were appointed to treat with the Indians. Accordingly, on the 19th of October, 1818, a treaty was concluded, by which the United States purchased from the Chickasaws, for \$300,000, payable in fifteen annual installments, all the land lying north of the southern boundary of Tennessee, and between the rivers Tennessee, Ohio, and Mississippi. Hence, this country has been often called the "Purchase," the "Western Purchase," or "Jackson's Purchase."³

306. Settlement of West Tennessee.—The last obstacle to its settlement having been removed, the Legislature passed an act⁴ laying off the newly opened territory into surveyors' districts, requiring it to be surveyed into ranges and sections, and making proper provision for obtaining title to its lands. Emigrants in great numbers now found their way to West Tennessee. Most of them came from the older settlements in Middle and East Tennessee, but many came down the Mississippi River and entered it from the west. Adam R. Alexander settled about two miles west of a place at first called Alexandria, in his honor, now the city of Jackson. Still an important place, it was, for a time, the leading town in West Tennessee. Jesse Benton settled near the mouth of Big Hatchie River, where a town grew up called Randolph, now of small importance, but for many years the commercial rival of Memphis. David Crockett settled on the Obion River, and has made the whole district famous, as well for his unparalleled success in bear hunting as for his famous political contests with Adam R. Alexander, William Fitzgerald, and Adam Huntsman. By 1830, West Tennessee had a population of 99,000.

307. Memphis.—Shelby County, erected in 1819, was the first county that lay wholly in West Tennessee. The commanding position of the Chickasaw Bluffs, where Memphis now stands, marked it as one of the most important points on the Mississippi River. It was recognized by the French and Spanish, who erected forts there before the earliest settlements in this State. They viewed it from a military

³ See Chapter XVIII on Indian Treaties, p. 134.

⁴ October 23, 1819—Acts of 1810, Chapter I.

standpoint. Afterwards far-seeing men recognized its equally important commercial advantages.

In the troublous winter of 1791-92, when General Robertson called for volunteers to act as spies and rangers, John Rice and some other young men left Sevier's Station, on the north side of Red River, near Clarksville, intending to proceed up the Cumberland by boat, and join him at Nashville. Discovering their purpose, a party of Indians under Doublehead, crossing a peninsula made by the river just above Clarksville, lay in wait for them at a place now called Seven Mile Ferry, and



JOHN OVERTON.

as their boat came round the bend, fired a volley into it, which killed John Rice, three sons of Colonel Valentine Sevier, and John Curtis. Rice appears to have been a young man, not only of energy and enterprise, but of sound judgment and foresight. When North Carolina established the land office known as John Armstrong's office, in 1783, which opened all the land in this State to entry, he obtained a grant for 5,000 acres of the best lands on the Chickasaw Bluffs. By his will, this grant was bequeathed to his brother, Elisha Rice, who, in 1794, sold it to John Overton for \$500. Overton then

conveyed a half interest in the same to his friend, Andrew Jackson. The devoted and uninterrupted friendship through life of these two men is as beautiful as that of Jonathan and David. For politic reasons, Jackson sold his entire interest in the property before it was developed. On this tract the city of Memphis was laid out in 1819.

308. John Overton.—The founder of Memphis merits more than a passing mention. A native of Virginia, John Overton went to Kentucky, after the close of the Revolutionary War, and began the practice of law. Removing to Tennessee, he reached Nashville during the same month⁵ that witnessed the arrival of Andrew Jackson from North Carolina. Overton recognized from the first the greatness of Jackson, and did everything to forward his interests. He wrote for the press, used his influence with Legislatures, and prepared speeches for their members, drew resolutions and had them passed by town meetings — and of all this he never mentioned one word

⁵ Judge John M. Lea, Proceedings Tennessee Bar Association, 1891, p. 170.

to Jackson. Overton succeeded Jackson on the Supreme bench of the State in 1804, where he made great reputation as a judge, and did the State an especial service by preparing and publishing two volumes of Reports of the Opinions of the Supreme Court — the first reported cases in the State. In business affairs, Judge Overton was careful, prudent, and far-seeing. His earnings were invested in wild lands, which have proved a rich heritage to his descendants. He bought the Rice grant twenty-five years before the Indian title had been extinguished. But he conceived the idea of making it the seat of a great city, and having kept that idea patiently, confidently, and persistently before him, after many years he saw his most sanguine anticipations surpassed. The original plan of the city was laid off by Judge Overton, and the name of Memphis was given it by Gen. James Winchester, to whom Jackson had conveyed a one-eighth interest in the property. The subsequent development of the city, its triumphs over aspiring rivals, and its present secure position as the metropolis of West Tennessee, is due largely to the vigilance and wisdom of its founder.⁶

309. Financial Difficulties.—A number of causes combined to produce the period of financial distress, after the close of the war of 1812–15, which culminated in the West during the years 1819 and 1820. "Stop laws, property laws, replevin laws, stay laws, loan office laws, the intervention of the legislator between the creditor and the debtor — this was the business of legislation in three-fourths of the States of the Union — of all south and west of New England."⁷ Tennessee was not exempt from the prevailing conditions. Governor McMinn convened the General Assembly in extraordinary session, April 26, 1820, and recommended the establishment of a State bank of issue, with a capital of \$1,000,000, as the leading relief measure of his administration.

310. The Old Bank of Tennessee.—The first bank incorporated by the Legislature of Tennessee was the Nashville Bank, chartered in 1807. It was an institution in which the State had no stock, or other direct financial interest.

In 1811, the charter of the first United States Bank expired by limitation, and Congress refused to re-charter it. To meet the contraction of the currency it was feared might result from closing out the / United States Bank, the General Assembly established the Bank of the

⁶ See a Biographical Sketch of Judge Overton, by Judge John M. Lea, in the Proceedings of the Tenth Annual Meeting of the Bar Association of Tennessee, at page 170.

⁷ Benton's Thirty Years' View, Vol. I, p. 5.

State of Tennessee, at Knoxville. This was the first bank in which the State was a stockholder. Its interest, however, was small, being only \$20,000 out of a capital stock of \$400,000.

311. The New Bank of Tennessee.—After the close of the War of 1812–15, Congress chartered the second United States Bank. This institution was so unpopular in Tennessee that, in 1817, the Legislature prohibited it from establishing a branch bank in the State. Some provision for a currency, however, seemed imperative. The Legislature, accordingly, established a State bank, under the name of the Bank of the State of Tennessee. The capital of the new Bank of Tennessee consisted of \$1,000,000 in bills payable to the order of bearer, to be emitted on the credit and security of the borrower, and warranted by the State. The bills were perfectly good, but the machinery by which they were put in circulation was extensive and cumbersome.

CHAPTER XXV.

THE ADMINISTRATIONS OF WILLIAM CARROLL, 1821–1827; SAM HOUSTON, 1827–1829, AND WILLIAM HALL, APRIL TO OCTOBER, 1829.

312. William Carroll.—Governor McMinn having served three terms, Gen. William Carroll was elected to succeed him. Carroll had a feeble opposition in the candidacy of Edward Ward, who received



GOV. WILLIAM CARROLL.

only 11,200 votes out of a total of 53,446. The new governor, like his immediate predecessor, was a native of Pennsylvania. He moved to Nashville in 1810, and opened the first nail store in the State. He had been here only two years when he entered the War of 1812 as General Jackson's brigade inspector. In the Creek war he displayed able generalship and cool courage, and in the battle of New Orleans sustained the burden of the British assault. He was reëlected in 1823 and 1825, without opposition.

313. A Business Administration.—Governor Carroll was a practical business man. He was also a man of judgment and enterprise.

It was he who put afloat the first steamboat that plied the waters of the Cumberland. This was the "General Jackson," that steamed into Nashville in the year 1818. His administration was conducted on sound business principles, and with the same judgment and foresight that characterized the management of his own affairs. The people were just recovering from the paralyzing effect of the financial troubles of 1819-20, and Governor Carroll warned them against too great reliance upon the relief measures of the government, and advised a course of rigid individual economy, and an enlarged use of domestic products. In the meantime, he caused the finances of the State to be put on a sound footing, by having the affairs of the banks thoroughly examined, and requiring them to resume specie payments.



GOV. SAM HOUSTON.

314. Sam Houston.—Governor Carroll was succeeded by Sam Houston, who defeated Willie Blount and Newton Cannon by a very large majority. A Virginian by birth, in his youth he removed, with his widowed mother, to Tennessee, and settled in Blount County. His home was near the country of the Cherokees, with whom he mingled freely, and became a favorite of Alu-tucky,¹ their chief. His restless spirit becoming impatient of the prosy life of a clerk in a country store, he suddenly disappeared from home, and was received and adopted as a son by Alu-tucky. He lived with the Indians about three years. In 1813, he volunteered as a private in the Creek war, but was promoted to be an ensign before the battle of Tohopeka, in which he exhibited such desperate courage as won the admiration of General Jackson. A friendship followed, which was active and uninterrupted until Jackson's death. He continued in the army until 1818, when he resigned his commission, and took up the study of the law. But the law to him was only the door-way to politics. Brave, handsome, eloquent, chivalrous, with a decided spice of romance, he was a popular favorite from the start. He was district attorney, major general of the militia, and twice a member of Congress, in seven years.

315. Jackson Elected President.—In 1828, Andrew Jackson defeated John Quincy Adams for the Presidency by an overwhelming

¹ The name is so written by Col. Samuel D. Morgan, in *Guild's Old Times in Tennessee*, p. 283.

majority. Jackson's election meant much to Tennessee and Tennesseans. In his early life, he had made it a principle never to be departed from, if he could avoid it, "not to stand between a friend and a benefit."² The same principle, in the time of his power, made him the active dispenser of favors to his friends. He built up the strongest personal following any man ever had in America.



ANDREW JACKSON.

Among the ablest and most devoted of his partisans was Sam Houston, his companion in arms, his personal and political friend, and the governor of his State. Houston was ambitious, and with Jackson in the White House, there was nothing to which he might not aspire.

He was a man of heroic stature, with great vigor and energy. His temperament was ardent and romantic, and, like Jackson, he had a chivalric devotion to the fair sex. In the spring of 1829, he announced his candidacy for reelection to the governorship. His opponent was Gen. William Carroll, who had again become eligible. The contest, which opened in April, promised to be of the warmest.

316. Governor Houston's Brilliant Marriage.— There lived at this time, in a stately old mansion on the bluffs of the Cumberland River, near Gallatin, a beautiful young lady — Miss Eliza Allen — fair as a lily, perfect in form and feature, and as dignified and graceful as a princess. She was the only daughter of Col. John Allen, an old-fashioned country gentleman, of considerable wealth, and was at once the delight and despair of all the gallants of her circle. Houston became a suitor for the hand of Miss Eliza, and he pressed his suit with all the ardor and impetuosity of his nature. She yielded, perhaps reluctantly. The marriage ceremony was performed at the old mansion, in the presence of a brilliant company, January 22, 1829. The festivities were then removed to the Capitol, where citizens of every rank vied with each other in their attentions to the distinguished couple.³

²William Blount to Sevier, *American Historical Magazine*, Vol. V, p. 122.

³The late Thomas Boyer, of Gallatin, in the *Nashville American*; *Guild's Old Times in Tennessee*, 262, *et seq.*; *American Historical Magazine*, Vol. IV, p. 297, *et seq.*

317. Governor Houston Resigns.—Notwithstanding the plaudits with which he led his fair bride into society, Governor Houston's domestic life was not happy. He resented the coldness of his wife, and the most unhappy domestic quarrel followed, which resulted in their permanent separation. Only a few days after the opening of his canvass, while fully exonerating his wife, he declared himself a ruined man, and sent to Gen. William Hall, Speaker of the Senate, his resignation of the office of governor of the State of Tennessee. Then, concealing his identity, he went directly to his foster-father, Alu-tucky, in the Cherokee country, on the Arkansas River.

318. General Houston's Subsequent Career.—The subsequent career of General Houston was in a new field. After many romantic incidents while living with the Cherokee Indians, he drifted to Texas, where he became a leader in her gallant struggle for independence. Having been made commander in chief of the Texas army, he defeated Santa Anna in the decisive battle of San Jacinto, which won him the proud title of "Liberator of Texas." The tragic fate of another heroic Tennessean⁴ and his comrades furnished him with the inspiring battle-cry, "Remember the Alamo." He was the first president of the independent Republic of Texas, and when she was admitted to the Union, became one of her first United States Senators. He was elected governor of Texas in 1859, but had his office declared vacant when the State seceded from the Union in 1861. He died in 1863.

319. Succession of William Hall.—Upon the resignation of Governor Houston, Gen. William Hall, Speaker of the Senate, succeeded to the office. Governor Hall was one of the pioneers of Sumner County, a part of the country that suffered incredibly from the Indian wars during the first settlement of the Cumberland Valley. As a boy of thirteen, he saw his brother, who had accompanied him to the field for their father's horse, tomahawked and scalped by a party of Indians, and he escaped the same fate only by his presence of mind and



GOV. WILLIAM HALL.

⁴ Col. David Crockett.

fleetness of foot in avoiding his pursuers. Three months later, as they were removing to the fort for protection, his father and another brother fell pierced by Indian bullets. The next year a brother-in-law was killed on the way to his mother's house.⁵ He was a brigadier general in the Creek War, and held many honorable civil offices. His administration as governor was in the general lines pursued by his predecessors, Carroll and Houston.

CHAPTER XXVI.

ADMINISTRATION OF WILLIAM CARROLL — 1829-1835.

320. Leading Measures of Carroll's Administration.—The resignation and voluntary exile of Governor Houston left General Carroll without an opponent for the office, and he was accordingly elected and took his seat in October, 1829. He was reelected in 1831, and again in 1833, both times without opposition. He served the people as governor twelve years — the longest time any man has ever held the office of governor in this State. Many important events occurred during this last period of his service as governor. A system of public education was attempted, old banking institutions were wound up and new ones incorporated, the criminal laws were reformed and a penitentiary established, the State's first charitable institution was founded, and the subject of internal improvements began to take shape, though little was done in that line until after the adoption of the Constitution of 1834.

321. The Beginning of the State Debt.—The subject of public education will be considered in Chapter XLVIII, and that of internal improvements in Chapter XLIII.

After winding up the affairs of the Bank of the State of Tennessee, the Legislature chartered a third Bank of Tennessee, in 1831, but this charter was repealed the next year, and the Union Bank incorporated. The capital stock of the Union Bank was \$3,000,000, of which the State took \$500,000. For the payment of this stock the State issued, in January, 1833, five hundred five-per-cent bonds, of the denomination of one thousand dollars each. This constituted the first issuance of bonds

⁵ Indian Battles, Murders, Sieges, and Forays in the Southwest, p. 5. This pamphlet is reprinted from Wales & Robert's South-Western Magazine, Nashville, 1852.

ever made by the State of Tennessee. One hundred and twenty-five of these bonds are still outstanding, and form a part of the bonded debt of the State.¹

322. The Penitentiary.—As early as the administration of Governor Blount, in 1813, there was a feeble effort made to raise a fund by voluntary subscription for the purpose of building a penitentiary. Governor McMinn, in 1819, made an earnest appeal to the Legislature to commence such a work, which he declared would do lasting honor to its founders. Nothing, however, was done until 1829, when the repeated recommendations of Governor Carroll resulted in the passage of the act under which the first penitentiary was built. At the same session another act was passed, abolishing such barbarous means of punishment as the whipping-post, stocks, pillory, and branding-irons, and making all felonies under the grade of murder in the first degree punishable by imprisonment at hard labor in the "Jail and Penitentiary House."²

The ground selected for the site of the penitentiary consisted of some ten acres, situated about a mile west of the public square in Nashville. Contracts for the buildings were let in April, 1830, and the work pushed rapidly to completion. The entire cost of the building was about \$50,000, and it was opened for the reception of prisoners, January 1, 1831. The State managed the prison by its own officers up to the Civil War.

323. The First Asylum for the Insane.—In 1832, the Legislature passed an act for the establishment of a lunatic hospital, which was located on a small tract of land about a mile from Nashville. The work dragged, and the buildings were not ready for the reception of patients until 1840. This was the first charitable institution established and maintained by the State. It was soon found both inadequate and unsuitable for the proper accommodation of the insane of the State. In 1847, under the inspiration of that earnest philanthropist, Dorothy L. Dix, it was decided that the old buildings and grounds should be disposed of, and a new site selected. Accordingly, the commissioners bought a farm about six miles out from Nashville, on the Murfreesboro Pike, on which the Central Asylum for the Insane was erected. It was

¹Letter of Gov. James D. Porter to W. F. Harrington, Esq. A history of the State Debt—how it was created—its present status—how it may be met. Nashville, 1878.

²Act of 1829, Chapter XXIII. The Act providing for the building of a penitentiary is Chapter V, of the Acts of 1829.

built after the most approved model of the day. The patients were removed from the old hospital in April, 1852. Since then, the State has erected two other insane asylums, at a cost of about \$300,000 each—the East Tennessee Insane Asylum, at Lyon's View, about four miles from Knoxville, and the West Tennessee Insane Asylum, between three and four miles northwest of Bolivar.

324. Constitutional Convention of 1834.—The administration of Governor Carroll points continually and unmistakably to the dawn of a new order of things in the State. The old frontier civilization, with its simple and inartificial conditions, was passing away with the pioneers who made it. Tennessee was growing great. She had become the center and dominant element in American politics. The change in her economic condition was hardly less marked. Her forests had been turned into fields. In 1840, she was the first State in the Union in the production both of corn and hogs. Manufacture and commerce were beginning to flourish. Wealth was being accumulated, and with it, ambitious schemes of private enterprise and public improvement were projected. The State felt that she had outgrown the Constitution of 1796. Accordingly, a new convention was called, which met in 1834. William Blount Carter, a son of Gen. Landon Carter, Secretary of the first Constitutional Convention of the State of Franklin, and delegate from Washington County in the Convention of 1796, was chosen President of the Convention. The body contained a large number of strong men, such, for instance, as the McKinnays, Blount, Alexander, Huntsman, Cannon, Fogg, McClellan, Senter, Cahal, Marr, and Humphreys. They framed an instrument better suited to a more artificial



W. B. CARTER.

and complex civilization. The new Constitution was submitted to the people and ratified by a vote of 42,666 against 17,691, at an election held on the 5th and 6th of March, 1835. An examination of the Constitution of 1870, printed in the Appendix, will show how closely it follows that of 1834.

TOPICAL ANALYSIS OF DIVISION I.

TENNESSEE UNDER THE CONSTITUTION OF 1796.

I. Organizing the State.—

1. *John Sevier Governor.* (a) An East Tennessean. (b) Not in Touch with Middle Tennessee.
2. *State put in accord with the Federal Government.* (a) Andrew Jackson Elected to Congress.
3. *Public Questions.* (a) Indian Boundary. (b) Public Lands. (c) The Militia.

II Sevier-Jackson Quarrel.—

1. *Land Speculation in the West.*
2. *Jackson Charges Sevier with Fraud in Procuring Land Titles.* (a) In the Sevier-Jackson Race for Major-General. (b) In the Sevier-Roane Race for Governor.
3. *Legislative Investigations — Personal Encounters.*

III. Controversy as to the Public Lands.—

1. *Sources of Land Titles.* (a) Private Purchases from the Indians. (b) Entries in the County Land Offices. (c) Entries in John Armstrong's Office. (d) Pre-emptions.
2. *Southwest Territory.* (a) North Carolina Cedes Her Western Lands to the United States. (b) Absence of Legislation on the Subject of Public Lands.
3. *The Compact of 1806.* (a) Land Offices Closed from 1784 to 1806. (b) Agreement with North Carolina. (c) Ratified by the United States. (d) Agreement with the United States.

IV. Religious Development.—

1. *Churches Organized.* (a) Presbyterians. (b) Baptists. (c) Methodists.
2. *The Great Revival—1800.* (a) James McGready. (b) The McGee Brothers. (c) First Camp-Meeting. (d) The Jerks.
3. *Cumberland Presbyterian Church—1810.* (a) Offspring of the Great Revival. (b) Organized in Dickson County, Tennessee.

V. Willie Blount Governor—War of 1812-1815.—

1. *Campaign of 1812.*
2. *Creek War—1813-1814.* (a) Tecumseh and Weatherford. (b) Massacre of Fort Mims. (c) Jackson again in the Field. (d) Decisive Battle of Tohopeka. (e) Weatherford's Speech.
3. *New Orleans Campaign—1814, 1815.* (a) Jackson Goes to New Orleans. (b) Battle of January 8.

VI. Joseph McMinn Governor.—

1. *Seminole War—1817.*
2. *Settlement of West Tennessee—1818.* (a) Open for Entry. (b) Indian Title Extinguished. (c) Open for Settlement. (d) First Settlement. (e) Memphis. (f) John Overton.
3. *Financial Difficulties—1819, 1820.* (a) First Bank in the State. (b) New Bank of Tennessee Established.

VII. Carroll, Houston, and Hall.—

1. *William Carroll's a Business Administration.*
2. *Sam Houston.* (a) Early Life. (b) Elected Governor. (c) Brilliant Marriage. (d) Separates from His Wife and Resigns his Office. (e) Subsequent Career.
3. *William Hall a Pioneer.*

VIII. Dawn of a New Era.—

1. *Penitentiary Established—1829.* (a) Abolition of Whipping-Post, Stocks, Pillory and Branding-Irons.
2. *First Charitable Institution—1832.*
3. *First Bonds Issued—1833.*
4. *New Constitution—1834.*

DIVISION II.

TENNESSEE UNDER THE CONSTITUTION OF 1834.

CHAPTER XXVII.

RISE OF THE WHIG PARTY—ADMINISTRATION OF NEWTON CANNON, 1835-1839.

325. President Jackson's Choice of a Successor.—With the adoption of the Constitution of 1834, Tennessee entered upon a new and distinct epoch in her history. Hitherto there had been no considerable division in the State upon questions of national politics. There had been notable contests; such, for instance, as the celebrated race for Congress in the Nashville district in 1827, when John Bell, a young man of giant intellect, but of little experience in public affairs, was elected over the veteran orator and statesman, Felix Grundy, then in the zenith of his power and reputation, although the latter had the cordial and active support of General Jackson. But such contests were generally determined on personal considerations. There was but one political party in the State—that now known as the Democratic party, of which Andrew Jackson had long been the masterful leader. Jackson was about to retire from the Presidency. He felt himself under a weight of obligation to Martin Van Buren, of New York, whom he desired should succeed him as President. His wish was well understood, and proved to be a fatal blunder, so far as the success of his party in Tennessee was concerned.

326. David Crockett Opposes Jackson.—When President Jackson ordered his Secretary of the Treasury to remove the government deposits from the United States Bank, he added, "I take the responsibility." This saying became famous because it expressed a sublime moral courage. In the same line, and hardly less celebrated, is the motto of Col. David Crockett, "Be sure you are right, and then go ahead." Crockett was the most amiable, but at the same time the most independent and courageous of men. Born and reared in East Ten-

nessee, he spent his early manhood in the middle portion of the State, and finally moved to West Tennessee, which became the scene of his remarkable bear hunts and inimitable electioneering campaigns. The sum total of his schooling amounted to four days. But he early manifested a heroic spirit. He worked a whole year for no other wages than a clear receipt against a small debt his father owed his employer, in order that he might have the pleasure of seeing the joyous surprise and gratitude of his father when he presented it to him at the end of the year. He was never able to follow the leadership of General Jackson. In 1827



COL. DAVID CROCKETT.

he entered Congress as a Republican, but his hostility to Jackson soon landed him in the ranks of the opposition. He was defeated for reelection in 1831, but was again elected in 1833. During this term he made his "Tour to the North and Down East," an account of which he published. He also wrote a "Life of Martin Van Buren, Heir Apparent to the Government and the Appointed Successor of General Andrew Jackson." These books were widely read for their quaint humor, and were effective Whig campaign literature. Defeated for Congress again in 1835, he went West to join in the Texas war of independence, and thrilled the country by his heroic death at the Alamo. He was one of the Tennessee Congressmen who, in December, 1834, called on Judge Hugh Lawson White to become a candidate for President.

327. White Enters the Race for President.—Next to Jackson only, whose personal and political friend he had hitherto been, Hugh Lawson White was the most popular man in Tennessee. He was a son of the founder of Knoxville, and grew up in time to participate in the last of John Sevier's famous Indian campaigns. In the Creek war he rendered most valuable aid to General Jackson. Before he entered the field of national politics, he had served as a member of the State Senate, had distinguished himself as a Judge of the Supreme Court of the State, and had shown much ability as a financier by his successful management of the first Bank of Tennessee. When Jackson retired

from the United States Senate, in 1825, White was unanimously elected to succeed him. He was continued in the Senate until 1840, when he



HUGH L. WHITE.

resigned, because he could not conscientiously obey the instructions of the Legislature to support the leading measures of Van Buren's administration. In 1832, he was made president *pro tem.* of the Senate — a position that has been held by only two other Tennesseans: Joseph Anderson and Isham G. Harris. White was in perfect sympathy with the principles of Jackson's administration, and continued so until his death. But he stoutly refused to sanction his purpose to make Van Buren his successor. He was, himself, mentioned as a candidate. Jackson undertook to placate

him, first by the tender of a cabinet position, afterwards by the offer of a position on the bench of the Supreme Court of the United States, and finally, by the suggestion that he accept the place of Vice-President on the ticket with Van Buren. All these overtures were firmly declined. White was then informed that Jackson had threatened to denounce him as soon as it was ascertained that he was willing to be a candidate in opposition to Van Buren.¹ Being both obstinate and pugnacious, White now became an avowed and active candidate.

328. John Bell Directs the White Campaign.— John Bell referred not inaptly to the followers of Judge White as the "undisciplined militia of the party." The responsibility of outlining a plan of action so as to secure something like unity of purpose in this mass of raw material devolved largely upon him. Whatever may have been his defects as a party leader, he could plan a canvass and state its issues with consummate skill. He was a native Tennessean, and a graduate of Cumberland College (University of Nashville). Soon after his admission to the bar he had a taste of public life, as a member of the State Senate, but he wisely declined a reelection, and devoted the next ten years to the practice of his profession and the pursuit of literature. In 1827, he entered Congress, superbly equipped for his public duties. He was a member of the House of Representatives until 1839. In 1834, he was

¹ Memoirs of Hugh Lawson White, by Nancy N. Scott, pp. 253, 254, and 359.

elected Speaker of that body, but was defeated for reelection in 1835 by James K. Polk. Subsequently, he was Secretary of War in Harrison's Cabinet. From 1847 to 1857, he was a member of the United States Senate, and served with such distinguished ability that he was nominated by the Constitutional Union party for President in 1860. A man of profound intellect, he was far-seeing, deliberate, and cautious. His mental constitution was such that he could never enter heartily into the bold, aggressive, and apparently reckless methods that distinguished the Jackson party, though he supported the leading measures of Jackson's administration with perfect consistency.



JOHN BELL

329. Leaders of the Democracy.—The Tennessee election in August, 1835, received national attention on account of its supposed influence on the Presidential election in 1836. Interest was intense from the beginning, and the contest determined and bitter. It was at this time that the followers of Judge White began to be called Whigs — White Whigs — though White never accepted the name for himself.



FELIX GRUNDY.

The leaders of the Democracy were among the ablest men of the nation. James K. Polk was afterwards President of the United States. Felix Grundy, a famous orator and the most successful criminal lawyer in the Southwest, knew every chord that touched the popular heart. When trouble was brewing with England in 1811, he was elected to Congress as a war Republican. He made himself conspicuous for his bold and efficient support of the war measures. It was the successful prosecution of this war, against their opposition, that broke down the Federalist party. The Federalists paid a high tribute to Grundy's influence, by ascribing the war to the instigations of "Madison, Grundy, and the Devil." At this time, Grundy was in the United States Senate, but upon the election of Van Buren, he accepted the place of Attorney

General in his cabinet. Quite as active and hardly less efficient than Polk and Grundy was John Catron, a man who stood very close to President Jackson. He was reared in the Mountain District of Middle



JOHN CATRON.

Tennessee, and raised himself to the head of his profession by the force of his own talents and energy. He made much reputation by a series of articles published in aid of President Jackson's fight against the United States Bank. At the time of the White revolt, he was Chief Justice of the Supreme Court of Tennessee, being the first and only Chief Justice of that Court prior to the Civil War. From 1837 to his death, in 1865, he was one of the Judges of the Supreme Court of the United States, by appointment of President Jackson.

Cave Johnson served on the staff of his father, General Thomas Johnson, in the Creek War. He was first elected to Congress in 1829, and, with the exception of one term, continued there until 1845, when he became Postmaster General in President Polk's Cabinet. After his retirement from the cabinet, he became president of the last Bank of Tennessee, which he managed with ability and success.

330. Newton Cannon Elected Governor.—Carroll had again served three consecutive terms—six years—as governor, but the people, having adopted a new Constitution in the meantime, he offered himself for a fourth term. He adhered, as he had always done, to the party of General Jackson, but, as it boded no good to him, he deprecated the introduction of national politics in State elections. His opponent was Newton Cannon, whom Houston had defeated for the same office in 1827. Cannon had served in the Creek War, but was criticised for returning home before its conclusion. In 1814, he was elected to succeed Felix Grundy in Congress, and continued in Congress, with the intermission of a single term, until his voluntary retirement, in 1825. He had never been in rapport with the Jackson party, and now appeared as the avowed champion of Judge White. The current of public sentiment in favor of Judge White was too strong to be stemmed even by



CAVE JOHNSON.

Carroll, and Cannon was elected by a plurality of more than 11,000 votes.

331. Cannon Reëlected.—In 1836, there was a call for volunteers to serve in the Florida War. The quota for Tennessee was 2,000. More than double that number offered. The East Tennesseans were commanded by Gen. R. G. Dunlap, and those from Middle Tennessee by Gen. Robert Armstrong. The last battle in which the Tennessee soldiers were engaged, was fought on November 18–21, at Wahoo Swamp, soon after which they were ordered home and discharged, though the war dragged on until 1842 before it was finally concluded. In 1837, General Armstrong, with his military laurels fresh upon him, became a candidate for governor in opposition to Cannon, but the tide had not yet turned, and Cannon was again elected by an increased majority.



GOV. NEWTON CANNON.

The absorbing public question during Cannon's two terms was that of internal improvements, which is treated in Chapter XLIII.

CHAPTER XXVIII.

ADMINISTRATIONS OF JAMES K. POLK, 1839–1841, AND JAMES C. JONES, 1841–1845.

332. Preparation for the Canvass of 1839.—At the Presidential election in 1836, White carried Tennessee by a majority of nearly 10,000 over all the other candidates. This result was most painful to President Jackson, who, in the last three Presidential elections had received practically the unanimous vote of the State. He believed the people had been estranged from him by partisan management. The Democrats determined to make a supreme effort to recover the State in 1839. The leading newspapers of the State had gone off with the White movement. To overcome this disadvantage, they invited two young New Englanders to Tennessee, who became famous political editors—Jeremiah George Harris and E. G. Eastman. Harris had been brought up in the journalistic school of George D. Prentice, though of opposite political

principles. The *Nashville Union*, hitherto a small weekly paper, was newly fitted out as a tri-weekly, and he was made its editor. He was



GOV. JAMES K. POLK.

a tower of strength to the Democracy of Tennessee. Eastman established the *Knoxville Argus*, the publication of which was, perhaps, the most brilliant part of his editorial career, though he was afterwards distinguished, as the editor both of the *Nashville Union* and *Union and American*.

The most influential of the many able Whig papers were Allan A. Hall's *Republican Banner*, of Nashville, and Parson Brownlow's *Whig*, published successively at Jonesboro, Elizabethton, and Knoxville.

333. The Candidates Take the Field.—Governor Cannon offered for reelection and was accepted as the Whig candidate. The Democrats desired to put their strongest man forward to oppose him. The choice fell on James K. Polk, then serving his second term as Speaker of the national House of Representatives. Polk was a man of boundless energy, and as soon as Congress adjourned he entered the canvass, and for the first time the candidates for governor stumped the State "from Carter to Shelby."

334. Polk and Cannon on the Stump.—In 1835, General Carroll had deprecated the introduction of national questions in a State contest. Polk, on the contrary, opened his campaign with a clear and masterly discussion of national issues, in an address to the people, which has been pronounced the ablest political document which appeared in the State before the Civil War.¹ Cannon was not a popular speaker. Moreover, he committed the fatal blunder of hesitating to declare his choice between Van Buren and Clay for President. Polk was handsome and attractive in person. He had coal-black hair, rather dark complexion, and steel-grey eyes. Taken as a whole, his face was clear-cut, flexible, and expressive. His style of oratory was singularly attractive. Usually grave and dignified, he was ready at repartee, quick to detect a weakness in the position of his adversary, full of humorous anecdotes

¹ Phelan's History of Tennessee, p. 381.

and striking illustrations, and possessed a power of ridicule rarely equalled. "There was something in his manner and delivery that suggested the idea of labor, effort, power — of a giant defending himself against the onslaught of a thousand assailants, deliberate yet vehement, and he won the sympathy of his auditors by the gallantry and strength with which he downed every foeman with whom he grappled."² He was the greatest stump speaker the State has ever produced, unless Isham G. Harris be an exception. Cannon could not meet him on the stump, and felt it so keenly that he would have permanently abandoned the joint discussion but for the remonstrance of his political friends. Polk was elected by a majority of 3,000, and the Democrats secured a majority in both branches of the State Legislature.

335. The Presidential Contest in 1840.—As soon as the result of the gubernatorial election had been ascertained, preparation began for the presidential contest of 1840. It was thought that the splendid achievement of Governor Polk would make him the Democratic candidate for Vice-President on the ticket with President Van Buren. But the National Democratic Convention, over which Gen. William Carroll, of Tennessee, presided, failed to nominate a candidate for Vice-President.

The National Whig Convention, at Harrisburg, nominated Harrison and Tyler. This involved the Whigs of Tennessee in the inconsistent position of supporting a candidate who was not their choice because he was nominated by a national convention in which they had declined to participate. That, too, in the face of the fact that, four years before, they had objected to Van Buren because he was nominated by a convention. Nevertheless, they submitted and entered with a will into a campaign of conventions, catchwords, and emblems, the most brilliant and spectacular, as well as the most stubborn and determined, that ever occurred in the State. It was in this campaign that the Whig leaders established, and Allan A. Hall edited, *The Spirit of '76*, the first campaign paper published west of the Alleghany Mountains. Jeremiah George Harris promptly followed it with a Democratic campaign paper called the *Advance Guard of Democracy*. Harrison and Tyler carried the State by a rousing majority.

336. Continuation of the Political Contest in 1841.—The struggle for supremacy between the Whigs and Democrats of Tennessee from

² Judge N. Baxter, in *The Christian Home and Common Sense Farmer*, Livingston, Tenn., July 15, 1891.

1834 to 1844 was really but one continuous contest. The smoke of one hard-fought battle had hardly cleared away before the stout-hearted leaders of either party were organizing their hosts for the next. As soon as the returns of the Whig victory of 1840 had been received, Dr. Felix Robertson, Chairman of the Democratic Central Committee, came forward with a new plan of campaign for the following year. Polk was a candidate for reelection. None of the old Whig leaders seemed willing to meet him on the stump. In their desperation, the Whigs nominated James C. Jones, a man of yesterday "unknown to fame."

337. The Canvass between Polk and Jones.— The canvass between Polk and Jones in 1841, repeated with little variation in 1843, was the most unique, and is the most celebrated, that has occurred in the annals



GOV. JAMES C. JONES.

of Tennessee. Jones was reared on a farm, and his political experience did not extend beyond a single term in the lower house of the General Assembly, which he served in 1839. But in the following year he canvassed his district as a Harrison elector. It was this canvass that pointed him out as the man to meet Governor Polk on the stump. His knowledge of political questions, as well as his general historical information, was limited in extent, as well as newly and imperfectly acquired.

But he had an unmatched power of burlesque, and could produce the wildest hilarity, not more by what he said than by his manner of saying it. They called him "Lean Jimmy." He was more than six feet tall, spare and ungainly. His nose was large, and his small gray eyes were overhung with heavy eyebrows. His mouth was one of remarkable proportions, and his expression profoundly grave and solemn. The very sight of him made "the groundlings howl." After a masterly discussion of the pending issues by Governor Polk, Jones could raise his grotesque figure, fish from his pocket a skin of the old Whig coon, gently stroke it with his hand, and electrify the crowd by simply asking, "Did you ever see such fine fur?"³ But to an intelligent and cultivated audience, his speeches compared to

³ Guild's Old Times in Tennessee, p. 159.

Polk's like the cheap tinsel of an actress' stage costume to the royal robes of the legitimate queen.⁴ Jones was elected, and reelected in 1843. He was the first native Tennessean elected governor.

338. The "Immortal Thirteen."—While Jones carried the State by a comfortable majority in 1841, the Legislature was almost evenly divided between the Whigs and Democrats. The Whigs claimed a majority of one on joint ballot, but the Senate had thirteen Democrats against twelve Whigs. These thirteen Democratic members of the Senate—the "Immortal Thirteen," as they were called—led by Andrew Johnson and Samuel H. Laughlin, steadfastly refused to meet with the House for the purpose of electing United States Senators, whereby they prevented the election of two United States Senators, and Tennessee went without representation in the Senate from 1841 to 1843.

339. School for the Blind.—When the county seat of Overton County was removed from Monroe to Livingston, in 1834, Thomas Champlin, a merchant from East Tennessee, settled in the new town. Champlin had ten children, five of whom were born blind. James, one of the unfortunates, was born at Blain's Cross Roads, March 24, 1821. At nine years of age, by imitating his brothers in their exercises, he learned his letters by heart, and could spell many of the words in their books. When about sixteen years old, he entered the village school, where he made such surprising progress that he was afterwards sent to a boarding school taught by Dr. Isaac T. Reneau. Up to this time, he did not know that there was a system by which the blind could learn to read. In 1838, he heard read "Colonel Crockett's Tour to the North and Down East," in which the author gives an account of the Massachusetts Asylum for the Education of the Blind. It was a revelation to him. He went to Massachusetts for the purpose of entering the Boston Institute for the Blind, but was unable to do so for want of means to pay the fees required. However, the superintendent furnished him some raised-print books, and after his return home he soon learned to read without a teacher. He entered the Ohio Asylum for the Blind, in 1842, where he first discovered how marvelous a work these institutions were able to do for the blind.⁵

On his return from Columbus, he went to Nashville, and finding several blind children, got them together and commenced teaching them

⁴ Judge N. Baxter, in *The Christian Home and Common Sense Farmer*.

⁵ Early Biography, Travels and Adventures of Rev. James Champlin, who was Born Blind. Written by Himself. Columbus, 1842.

to read by touch. He gave an exhibition in one of the Nashville churches, of the method of reading with the fingers, for the purpose of enlisting interest in his work. Afterwards an exhibition given before the Legislature caused that body to adopt his school as a State institution, and make an appropriation for its support, January 29, 1844.⁶ The Tennessee School for the Blind has become a great institution. In 1898, it had a total of 150 pupils, 128 of whom were white and 22 colored. Every graduate of the school has contributed to his own support as a respectable member of society. Some of them have been eminent for their success. F. J. Campbell, LL.D., a native of Tennessee, and one of the pupils who entered the Blind School in 1844, is now the foremost blind man in the world, and is Superintendent of the Royal Normal College and Academy for the Blind, Upper Norwood, London, England, the best and most successful school for the blind in existence.⁷

340. Deaf and Dumb School.—A twin charity with the School for the Blind, at Nashville, was the Tennessee Deaf and Dumb School, at Knoxville. It owes its origin to Gen. John Cocke, then a member of the State Senate, on whose motion the bill establishing the Blind School was amended by making an appropriation for the establishment of the Deaf and Dumb School.

341. Permanent Seat of Government.—The Constitution of 1796 made Knoxville the seat of government until 1802. After that date, the Legislature met either at Knoxville, Nashville, or Murfreesboro. Once it met at Kingston, but immediately adjourned over to Knoxville. The Constitution of 1834 required the Legislature that should meet in 1843 to designate and fix the seat of government within the first week of its session. Accordingly, the Legislature that convened in October, 1843, made Nashville the permanent seat of government, and appropriated \$10,000 to begin building the State Capitol. William Strickland, who had designed some of the most imposing buildings in Philadelphia, such, for instance, as the Mint and the United States Bank, was employed as architect of the building. Having died as the work neared its completion, by a vote of the Legislature, his remains were entombed in the wall of the north basement portico, where they

⁶ History and Prospectus, Tennessee School for the Blind, by J. V. Armstrong, Superintendent, pp. 44 and 45. This is an interesting and very valuable work.

⁷ *Ibid.*, pp. 75 and 76.

now repose. The corner-stone of the Capitol was laid, with imposing ceremonies, on the 4th of July, 1845, and the last stone placed in the lower terrace, March 19, 1859. The Legislature first met in the Capitol in 1853. The entire cost of the building and grounds aggregates about \$1,000,000.

CHAPTER XXIX.

ADMINISTRATIONS OF AARON V. BROWN, 1845-1847; NEILL S. BROWN, 1847-1849; WILLIAM TROUSDALE, 1849-1851, AND WILLIAM B. CAMPBELL, 1851-1853.

342. James K. Polk Elected President.—The cause of Texas independence and, afterwards, of the annexation of Texas to the United States, were earnestly favored by the people of the Southwest, and especially by those of Tennessee. Tennessee had given many of her noblest sons to Texas. David Crockett and Sam Houston were the greatest heroes of the Texas revolution.

As the Presidential election of 1844 approached, James K. Polk declared that "the present opportunity should not be lost of becoming reunited with a country from whom we should never have been separated." It was understood, however, that Martin Van Buren would again be the Democratic candidate. The Democratic papers had his name at their mast-heads, and candidates for elector were being appointed to champion his cause. Just before the meeting of the Democratic convention, a letter from Van Buren was made public, in which he declared his opposition to the annexation of Texas. This produced great excitement, not only in Tennessee, but throughout the Southwest. Following the lead of Jo. C. Guild, Democratic candidate for elector in the Hermitage district, the Democrats of Tennessee declared they would not support Van Buren under any circumstances.¹

When the convention met, it nominated James K. Polk, a result that gave great satisfaction to the friends of Texas annexation. George M. Dallas, of Pennsylvania, was named for Vice-President. The battle-cry of the Democracy was "Polk, Dallas, and Texas." The Whigs nominated Henry Clay, and opposed the annexation of Texas. After a hard-fought campaign, Polk was elected, but he failed to carry

¹ Guild's *Old Times in Tennessee*, pp. 160 and 170.

Tennessee. This is the only instance in which a President has been elected without receiving the vote of his own State. Still, Polk is entitled to the credit of having reduced the Whig majority in Tennessee from 12,102, in 1840, to 113, in 1844.



GOV. AARON V. BROWN.

343. Aaron V. Brown Elected Governor.—The gubernatorial contest in 1845 was between Aaron V. Brown, Democrat, and Ephraim H. Foster, Whig. Brown was a graduate of the University of North Carolina, and Foster of Cumberland College (University of Nashville). Brown lived at Pulaski, and for a time was a law partner of James K. Polk, whose home was in an adjoining county. He displayed

the same party zeal and fealty, and maintained the same political consistency that characterized Polk. He had been a member of Congress since 1839, and had won more than local distinction. He was careful of his reputation, and many of his more important speeches and addresses were reduced to writing and afterwards published.

Foster was eloquent, fiery, and impulsive. When the late Judge Guild went to Nashville to study law, he was directed to the office of William L. Brown, but "sauntering" into the court room, as he relates, he had the privilege of witnessing one of Foster's splendid outbursts of passion, in which he threw a book at the presiding judge with such "gallant and noble bearing" that Guild instantly determined to read law in his office.² He had not always been consistent in his politics, but he held the confidence of his party, which had twice elected him to the United States Senate. Brown had the advantage in making an aggressive canvass on the clear-cut and definite policies of Polk's administration. His "Mount Pisgah" speech became famous. "Go up with me in imagination," he said, "and stand for a while on some lofty summit of the Rocky Mountains. Let us take one ravishing view of this broad land of liberty. Turn your face toward the Gulf of Mexico; what do you behold? Instead of one lone star faintly shining in the far-distant South, a whole galaxy of stars of the first magnitude are bursting on your vision, and shining with a bright and glorious effulgence. Now

² Guild's *Old Times in Tennessee*, p. 71.

turn with me to the West—the mighty West—where the setting sun dips her broad disk in the western ocean. Look down through the misty distance to the shores of the Pacific, with all its bays and harbors and rivers. Cast your eyes as far as the Russian possessions, in latitude 54 degrees and 40 minutes. What a new world lies before you! How many magnificent States to be the future homes of the sons and daughters of freedom!

When did mental vision ever rest on such a scene? Moses, when standing on the top of Mount Pisgah, looking over on the promised land, gazed not on a scene half so lovely. O let us this day vow that whatever else we may do, by whatever name we may be called, we will never surrender one square acre of this goodly heritage to the dictation of any king or potentate on earth. Swear it! Swear it, my countrymen, and let heaven record the vow forever.”³ The allusion, of course, was to Texas, in the South, threatened by the Mexicans, and in the West, to Oregon, claimed by the English to the Columbia River, but which the Democrats declared they would hold as far north as latitude “Fifty-four — forty, or fight.” Foster could not stem the tide of patriotism aroused. Brown was elected by a majority of 1,623 votes.



EPHRAIM H. FOSTER.

344. President Polk's Diary.—The last work ever undertaken by the great historian, George Bancroft, was the preparation of a history of President Polk's administration. In 1887, he visited the venerable widow of President Polk, at her home in Nashville, who gave him access to the Polk papers, with permission to use them as he might think fit. But he died before the labor of composition had been seriously begun. Still, he prepared and arranged a mass of materials, out of which, he writes, President Polk's character shines, “just exactly as the man was — prudent, far-sighted, bold, exceeding any Democrat of his day in his undeviatingly correct exposition of Democratic principles.”

Among other materials left by Bancroft is a copy of the diary kept by President Polk during almost the whole of his administration, consisting of twenty-four volumes, averaging about one hundred large

³ Speeches, Etc., of Aaron V. Brown, pp. 202 and 203.

octavo typewritten pages. This diary attests the methodical industry of the President, but more important than that, it gives the inside history of his administration. It bears witness to his strong sagacity, his indomitable will, and his clear comprehension of the ways and means of effecting the purposes of his administration. And it proves that he was the framer and persistent leader in the public policy he pursued with such uniform and complete success.⁴

345. Achievements of President Polk's Administration.—President Polk undertook and accomplished four leading measures: (1) The reenactment of the sub-treasury or independent treasury system on an enduring basis; (2) the passage of a low tariff on the basis of non-protection and liberal trade; (3) the settlement of the dispute with Great Britain concerning the northern boundary of Oregon; (4) the annexation of Texas, which involved the successful termination of the Mexican War and the acquisition of California, Nevada, Utah, Arizona, and New Mexico, and parts of Colorado and Wyoming.⁵ "On quitting the Presidential office he left nothing unfinished; what he commenced, he did."⁶ When elected, he was the youngest man who had ever occupied the Presidential chair. He was springy, active, and energetic in all his movements. On his return home four years later, his coal-black hair had become perfectly white. It did not change to a silver gray, but to a milk-white. His face wore a senatorial gravity more sedate than on his departure, and he looked care-worn and tired.⁷ He died three months later, on the 15th of June, 1849.

346. The Mexican War.—The annexation of Texas resulted in war with Mexico. Upon the requisition of the War Department, on the 26th of May, 1847, Governor Brown called for three regiments of volunteers, numbering in all 2,800 men. In answer to his call, 30,000 volunteers promptly tendered their services. So eager were all for service that it became necessary to adopt some mode of selection. Accordingly, the governor directed the four Major Generals of the State to decide by ballot, according to rules laid down, the companies to be

⁴ See an interesting and valuable article on President Polk's Diary, by James Shouler, in *The Atlantic Monthly*, for August, 1895, p. 235.

⁵ See *President Polk's Administration*, by James Shouler, in *The Atlantic Monthly*, for September, 1895, p. 371.

⁶ Eulogy on the Life and Character of the late President James K. Polk, by George M. Dallas, p. 25.

⁷ Judge N. Baxter, in *The Christian Home and Common Sense Farmer*.

received from their respective divisions.⁸ The war continued until the fall of the City of Mexico, in September, 1847. Many sanguinary battles were fought, and the Tennessee volunteers were everywhere distinguished for their determination and courage. Capt. William B. Allen, a young man of bright promise, was killed at the capture of Monterey, and with the comrades who fell by his side, has, at Lawrenceburg, the only monument in the State erected to the memory of the heroes who lost their lives in Mexico. John H. Savage, who came home with the rank of Lieutenant-Colonel, was wounded while gallantly leading an assault upon the Mexican stronghold at Molino-del-Rey.



GEN. GIDEON J. PILLOW.

Brigadier General Gideon J. Pillow distinguished himself at the siege of Vera Cruz, and was one of the commissioners appointed to receive the surrender. He was wounded at Cerro Gordo, and again at Chapultepec. Before the close of the war, he rose to the rank of Major General. His trial and acquittal, on a charge of insubordination, with his powerful address in his own behalf, attracted national attention and interest.

Col. William Trousdale was twice wounded at the battle of Chapultepec, and was breveted Brigadier General in the United States army. William B. Campbell, who gave the famous command, "Boys, follow me," won for his regiment the title of the "Bloody First." Col. William T. Haskell and Col. B. F. Cheatham were also conspicuous for their gallantry and meritorious conduct.

347. Neill S. Brown Succeeds Aaron V. Brown.—Giles County has furnished three governors of Tennessee, all named Brown—Aaron V., Neill S., and John C. The last two were brothers, but were not related to the first. The contest in 1847 came on before the close of the Mexican War. The rich fruits of Polk's sagacious policy were not yet apparent. Aaron V. Brown offered for reëlection, and the Whigs nominated Neill S. Brown to oppose him. Though still a

⁸ Reminiscences of a Campaign in Mexico. By a Member of "The Bloody First," p. 61; Speeches and Other Writings of Ex-Governor Aaron V. Brown, of Tennessee, pp. 395 and 220.

young man, Neill S. Brown had taken part in every political contest since 1836, and had made much reputation as a political debater. Moreover, he was justly esteemed for his genial disposition and his sparkling wit, as well as the more sturdy qualities of his mind.



GOV. NEILL S. BROWN.

In his canvass, he criticised the conduct of the war by the President, and lauded the heroism of General Taylor. The northern boundary of Oregon had been fixed by treaty at parallel forty-nine degrees of north latitude, instead of fifty-four degrees and forty minutes, and he pressed home Governor Brown's "Mount Pisgah" speech with telling effect. The election was close and

hotly contested, but resulted in a majority for Neill S. Brown.

348. "The War Horse of Sumner County."—When the war was ended, its returning heroes were received with little less than a triumph, and were honored by the people of the nation and State with the highest offices in their gift. General Taylor—"Old Rough and Ready"—was nominated by the Whigs and elected President. In Tennessee, Haskell and Savage were elected to Congress, and Trousdale and Campbell were, in turn, made governor. Gen. William Trousdale, known to his friends as "the War Horse of Sumner County," was nominated by the Democrats to oppose Governor Neill S. Brown. When but a boy, Trousdale left school to enlist in the Creek War; he served in the Florida War of 1836, and won great distinction in the war with Mexico. He added to the purity of his character, and the many homely virtues by which it was adorned, an exalted courage, capable of the most daring feats of valor, but had few of the brilliant parts that characterized his opponent. His services, however, had been too recent to be forgotten, and too brilliant to be ignored. He was elected by a small majority.



GOV. WILLIAM TROUSDALE.

349. The Commander of "The Bloody First."—When the Whig convention met in 1851, William B. Campbell was nominated for governor by acclamation. Campbell was a man whose name deserves to be preserved and honored in Tennessee. Modest and brave, honest and true, wise and prudent, he filled the full measure of his duty as a citizen and a patriot. Trousdale was again the candidate of the Democrats. The two Mexican heroes being before the public, the people again alternated between the parties, as they had done for years, and elected Campbell by the customary small majority. He was the last Whig governor.



GOV. WILLIAM B. CAMPBELL.

CHAPTER XXX.

*ADMINISTRATIONS OF ANDREW JOHNSON, 1853-1857, AND
ISHAM G. HARRIS, 1857-1859.*

350. The Johnson-Henry Canvass.—The opposing candidates for governor in 1853 were Andrew Johnson, Democrat, and Gustavus A. Henry, Whig. Henry greatly distinguished himself as an orator in his canvass with Cave Johnson for Congress in 1842. After that, he canvassed the State three times in succession as a Whig candidate for elector from the State at large. His form was well nigh faultless, his bearing grand and courtly, and his delivery charmingly graceful and almost dazzlingly brilliant. He was fairly entitled to be called the "Eagle Orator."



GOV. ANDREW JOHNSON.

Johnson, on the other hand, was the plainest of Democrats, but a powerful Tribune of the People. Born in poverty, the death of his father made it necessary for the County Court to bind him out to service at the age of ten years. He was, accordingly,

apprenticed to a tailor, but his proud spirit chafing under his servitude, he ran away from his master when about the age of sixteen. His education was wholly neglected. He never



GUSTAVUS A. HENRY.

had the privilege of attending school a day in his life. He learned to read without a preceptor, his first book being an old "American Speaker." His further tuition was under the direction and with the assistance of his wife, while he won his bread at the tailor's bench. Still, he filled every political office within the gift of his people — Alderman, Mayor, Representative, State Senator, Governor, Member of Congress, United States Senator, Vice - President, and

President of the United States. After a remarkable canvass, in which the speeches of the candidates bore little reference to each other, Johnson was elected.

351. Slavery and the Union.— In 1854, Congress passed what was known as the Kansas-Nebraska Act, making the Missouri Compromise line of 36 degrees and 30 minutes inoperative and void as to these Territories, and leaving the question of slavery in them to be decided by their people. From that time slavery became the paramount question in national politics. On it, parties were gradually assuming sectional lines. Tennessee was devoted to the Union. It was a Tennessean — Andrew Jackson—who made possible the preservation of the Union in 1861-65.¹ His victories in the field brought shame and odium on the secession movement of the Blue Light Federalists of New England in 1812-15; and his courage and patriotism as chief executive of the nation defeated and destroyed the nullification doctrine, in 1832-33.

352. Johnson Defeats Gentry.— Notwithstanding their firm attachment to the Union, the tendency of the people of Tennessee, as of all the South, was to come together in defense of the right of slavery. This tendency was causing the disintegration of the Whig party in the South. It was not long until such prominent Whigs as James C. Jones

¹ Judge John M. Lea, President of the Tennessee Historical Society, quoted in a paper on Andrew Jackson, Tennessee, and the Union, by A. V. Goodpasture, published in the American Historical Magazine, Vol. I, p. 222.

and James Williams came over to the Democratic party. In the meantime, a secret political association, called the American, or Know-Nothing party, was formed, and many Whigs, out of accord with their party in the North, found it easier to coöperate with the Know-Nothings than with their old antagonist, the Democratic party. The Know-Nothing party, therefore, naturally gave their support to Meredith P. Gentry, whom the Whigs brought forward to oppose the reelection of Governor Johnson, in 1855. Gentry was a statesman of solid parts, as well as an orator of towering genius. John Quincy Adams pronounced him "the greatest natural orator in Congress." Johnson made Know-Nothingism the leading issue of the canvass, and in a memorable campaign defeated Gentry, being the first governor after James C. Jones who had been reelected.



MEREDITH P. GENTRY.

353. Election of Governor Isham G. Harris.—The Democratic party had now gained a permanent ascendancy in Tennessee. In the presidential election of 1856, the State went Democratic for the first time since the election of Andrew Jackson, in 1832. In 1857, Isham G. Harris, Democrat, was elected governor over Robert Hatton by more than eleven thousand majority.



GOV. ISHAM G. HARRIS.

354. The Code of Tennessee.—During this administration, the statute laws of the State were codified. The plan and arrangement followed was that of William F. Cooper, and the work has justly taken a place in the front rank of American codes. The State owes much to the circumstance that during the whole period when its system of jurisprudence was being formed, its ablest lawyers were induced to devote something of their learning and ability to the work of compiling, digesting, and codifying its statute laws. No list of the most eminent lawyers of

the State would be complete that did not contain the names of John Haywood, Robert L. Caruthers, Alfred O. P. Nicholson, Return J.

Meigs, and William F. Cooper; and so long as the Code of Tennessee remains, it will be a monument to their just conception of the genius of our laws, and the intelligent manner in which they have reduced them into a system; and in an especial manner to the analytic and systematic mind and untiring labor of Judge Cooper.



GEN. WILLIAM WALKER.

355. "The Gray-Eyed Man of Destiny."—In 1857, the great filibuster, Gen. William Walker, made his last visit to Tennessee. He was a native of Nashville, and a graduate of the University of Nashville. He was called the "Gray-Eyed Man of Destiny," and his career in Sonora and Nicaragua was one of the most romantic and brilliant in the annals of filibustering.

CHAPTER XXXI.

THE WAR CLOUD.

356. Harris' Second Term as Governor.—In 1859, Governor Harris was reelected, defeating John Netherland. His message to the Legislature showed the State debt proper to be \$3,844,606.66, and its liability for bonds loaned for internal improvements, \$12,790,000. He urged that the State debt should not be increased. In this year, John Brown made his raid into Virginia, with the purpose of inciting the negroes to insurrection. He was defeated, taken, and executed. This event, together with the growing abolition sentiment in the North, aroused a strong feeling of resentment in the South. The Presidential election of 1860 intensified the struggle, and precipitated the issue. Abraham Lincoln, the Republican candidate, was elected, and his election was regarded by the Southern States as placing them at the mercy of a party hostile to their institutions. They began to feel unsafe in the Union. December 20, 1860, South Carolina passed the Ordinance of Secession, and the Southern States were brought face to face with the great crisis.

357. Tennessee Refuses to Secede.—Before the end of January, 1861, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas had

followed the example of South Carolina. Virginia, Kentucky, Missouri, Arkansas, Tennessee, and North Carolina, while claiming the right of secession, still remained in the Union, hoping to find means of conciliation. In Tennessee, the majority of the people loved the Union, and did not wish to secede. The Legislature met January 7, 1861, and ordered an election at which the people should, at the same time, vote upon the question of holding a convention, and elect delegates to serve in case the convention should be held. The election took place February 9, and showed the sentiment in Tennessee — for the convention, 57,798; against the convention, 69,675; for delegates who favored secession, 24,749; for delegates who favored the Union, 88,803.

358. Coercion.—The first gun of the Confederate War was fired at Fort Sumter, April 12, 1861. April 15th, President Lincoln issued a proclamation, calling for 75,000 troops, and followed this with a series of proclamations, declaring the ports of the seceded States in a state of blockade, and all vessels acting under authority of the blockaded States, guilty of piracy.¹ The announcement of the purpose of the Federal Government to resort to coercion, produced a revolution of sentiment in Tennessee.

359. Tennessee Secedes.—The Legislature convened in extra session April 25. May 1, resolutions were adopted, authorizing the governor to enter into a military league with the Confederate States. The commissioners, Gustavus A. Henry, A. W. O. Totten, and Washington Barrow, concluded "The League," May 7. One day before the conclusion of this league, the Legislature passed the Ordinance of Secession, and submitted it for ratification to a vote of the people in an election to be held June 8. The election was held at the appointed time, and the Ordinance was adopted by a vote of 104,913 in its favor, to 47,238 against it.

360. The Provisional Army of Tennessee.—Acts were passed by the Legislature to raise and equip an army of 55,000 men, and to appropriate \$5,000,000 for the defense of the State. Gideon J. Pillow and Samuel R. Anderson were appointed Major Generals; and Felix K. Zollicoffer, Benjamin F. Cheatham, Robert C. Foster, John L. T. Sneed, and William R. Caswell, Brigadier Generals. The staff officers were: Daniel S. Donelson, Adjutant General; V. K. Stephenson, Quarter Master General; R. G. Fain, Commissary General; William Williams, Paymaster General; Paul F. Eve, Surgeon General; James D. Porter,

¹ Messages and Papers of the Presidents, Richardson, Vol. VI, pp. 13-17.

W. C. Whitthorne, Hiram S. Bradford, and D. M. Key, Assistant Adjutant Generals. Other officers were subsequently appointed, and a military and financial board, consisting of Neill S. Brown, James E. Bailey, and W. G. Harding. General Pillow established headquarters at Memphis, and speedily organized the "Provisional Army of Tennessee." Hon. James D. Porter, in his *Military History of Tennessee*, states: "Before the close of the year 1861, the official records of the office of the Secretary of State show 71 regiments of infantry, 22 batteries of artillery, 21 regiments of cavalry, 9 battalions, and enough independent companies and partisan rangers to have constituted 8 full regiments." This force is equivalent to about 108 regiments of all arms. Factories were established in Tennessee for the manufacture of powder, percussion caps, guns, quartermaster and commissary stores, Nashville and Memphis became depots of supply, not only for Tennessee, but for the entire South.² June 24, Gov. Isham G. Harris made proclamation that the political ties were dissolved which bound Tennessee to the United States. July 31, 1861, the "Provisional Army of Tennessee," with all its equipments and stores, was transferred to the Confederate States, and became a part of the army of Maj. Gen. Leonidas Polk, commanding Department No. 1, of the Confederate States, with headquarters at Memphis.

361. East Tennessee.—Meanwhile, a strong Union sentiment developed in East Tennessee. Leading statesmen of both parties, among whom were Andrew Johnson, William G. Brownlow, Thomas A. R. Nelson, and Horace Maynard, espoused the cause of the Union. A convention of the East Tennessee counties was called, and assembled at Knoxville, May 30, 1891. "The delegates present numbered four hundred and sixty-nine, representing twenty-six counties, which, with two other counties represented by two resident proxies, constituted nearly the whole of East Tennessee."³ The convention was in session two days, and adjourned to meet at Greeneville, June 17, after the adoption of resolutions protesting against the military league and the recent acts of the General Assembly, favoring the policy of neutrality which had been recently adopted by Kentucky, and appealing to the people of the State, at the approaching election, to vote down the pro-

² See Miller's Manual, pp. 42-44; Confederate Military History, Vol. VIII, Tennessee, by Hon. James D. Porter, pp. 3-9.

³ Loyal Mountaineers, Humes, Chapter VII; East Tennessee in the Civil War, Temple, Chapters VIII and IX.

posed Ordinance of Secession, "while it is yet in their power, to come up in the majesty of their strength, and restore Tennessee to her true position." At the election, held about a week later, the State, as we have seen, gave a majority of 57,675 in favor of secession, but East Tennessee recorded a majority of about 20,000 against it.

362. Proposition to Form a New State.—The delegates to the Union convention of East Tennessee reassembled at Greeneville at the appointed time, June 17. Their ardor for maintaining the Union was not daunted by the overwhelming vote of the State in favor of secession. They adopted a "Declaration of Grievances," and appointed a committee consisting of O. P. Temple, John Netherland, and James P. McDonald, to petition the General Assembly for the formation of a new State, to be composed of East Tennessee and such adjoining counties of Middle Tennessee as might vote to be included. If this petition should be granted, Kingston was appointed as the place for the convention of the new State to assemble. If the petition should not be granted, it was proposed to establish an independent State, and to raise an army, with John Baxter as General. The new State was never formed, but many of the East Tennessee Unionists, at once, joined the Federal army. Others followed later.

363. Bitter Animosity.—Thus divided against herself, Tennessee entered into the greatest civil struggle which history records. The Confederate authorities established the line of the Cumberland River, and held possession of the entire State until late in the winter of 1862. After that time, Tennessee became the battle-ground, different portions of the State being alternately in possession of Confederate and Federal troops. As is the case in all civil wars, fierce passions were aroused between the partisans on different sides, which deepened as the war progressed.

CHAPTER XXXII.

CONTEST FOR KENTUCKY.

364. Planning the Attack.—Kentucky adopted the policy of "armed neutrality," and prohibited either belligerent from occupying the soil of the State with armed troops. Both sides strongly desired military possession of Kentucky, for political as well as military reasons; the Federal authorities in order to prevent the secession of the State, and

to use it as the base of operations for the invasion of the South; the Confederate authorities, in order to encourage secession, to recruit their armies, and to use the Ohio River as a strong line of defense. Although each side hesitated for a time to be the aggressor, yet, in the end, neither respected the "neutrality of Kentucky." The Federal forces were assembling along the Ohio River. One army was at the mouth of the river at Cairo, another army was collecting at Louisville and other points. Camp Dick Robinson was established by General Nelson, in Garrard County, near the center of the State, as a Union recruiting camp. Gen. Robert Anderson, formerly the commander of Fort Sumter, was appointed by President Lincoln to command the Department of Kentucky. Early in September, Gen. W. T. Sherman and Gen. George H. Thomas reported to General Anderson for duty. October 7, General Sherman was appointed to succeed General Anderson, who had resigned on account of ill health. November 9, General Sherman was transferred to the "Missouri Department," and Gen. Don Carlos Buell was appointed to command the Department of the Ohio. This department included "Ohio, Michigan, Indiana, that portion of Kentucky east of the mouth of Cumberland River, and the State of Tennessee." The portion of Kentucky west of the Cumberland River was attached to the Department of Missouri.

A fleet of iron-clad gunboats was collected on the rivers under command of Commodore Foote. The disposition of these forces clearly indicated two purposes: first, as an object of the highest importance to secure possession of the Mississippi River, thus cutting the Confederate territory in two, and at the same time securing an invaluable line of transportation and supply: second, to occupy Kentucky, and thence to invade Tennessee.¹

365. Planning the Defense of the Mississippi.—Pending the transfer of the "Provisional Army of Tennessee" to the Confederate States, which was concluded July 31, 1861, General Pillow was sent by General Polk to Missouri with 6,000 men, and was soon after followed by General Cheatham with 3,000 men, to aid the Confederate cause in that State. July 28, General Pillow occupied and fortified New Madrid, Missouri, situated on the Mississippi River. September 4th, General Polk transferred the Tennessee troops to Columbus and Hickman, on

¹ Rise and Fall of the Confederate Government, by Jefferson Davis, Vol. I, Chapter VIII; Smith's History of Kentucky, pp. 609-622; American Commonwealths—Kentucky—Shaler, Chapter XV: Campaigns of the Civil War, Vol. II, Chapter I; *Ibid.*, Vol. VII, Chapter I.

the Kentucky side of the Mississippi, and assumed command in person. At these points, strong fortifications were constructed to command the river, and reinforcements were sent from Tennessee; in order to meet an anticipated attack from the Federal army and gunboat fleet at Cairo. Defenses were, also, constructed at Belmont, on the Missouri side of the river. Gen. Ulysses S. Grant was appointed, September 1, to command the Federal forces assembled at Cairo, and arrived at that point three days before the occupation of Columbus by General Polk. He, at once, took possession of Paducah, at the mouth of Tennessee River, and Smithland, at the mouth of Cumberland River, and fortified both places. He then applied to the Federal authorities for permission to attack Columbus, which was refused.²

366. The Line of the Cumberland.—September 10, Gen. Albert Sidney Johnston was assigned to the command of the Confederate "Department of the West," including Tennessee, Kentucky, and other States. Upon assuming command, he found affairs in the condition above described. He promptly decided to establish "The Line of the Cumberland." The left of this line was already resting on the strongly fortified position at Columbus, on the Mississippi River, under the command of Gen. Leonidas Polk. It was extended nearly due east to Mill Springs, on the Cumberland River; thence southeast to its termination, where its right rested on the entrenched position at Cumberland Gap. The center, at Bowling Green, under command of Gen. S. B. Buckner, was strongly fortified, and threatened Louisville. The right was commanded by Gen. George B. Crittenden, who threw his forces forward north of the Cumberland. Troops were stationed at intermediate points along the line. Gen. John B. Floyd commanded at Russellville, and General Clarke at Hopkinsville. In rear of this line, Forts Henry and Donelson, protecting, respectively, the Tennessee and Cumberland rivers, were strongly fortified. Troops were stationed in reserve at Clarksville, Nashville, and other points.

367. Belmont.—The right-center of the Confederate line, at Bowling Green, was not seriously assailed. The efforts of the Federal commanders were first directed against the two flanks, with the view of gaining the important position of Cumberland Gap, and of removing the obstructions to the control of the Mississippi River. The first attack was made on the Confederate left flank. General Grant, with a

² Confederate Military History, Vol. VIII, by Hon. James D. Porter, pp. 9-11; Campaigns of Civil War, Vol. II, Chapter I—Official Records, etc.

force of 3,114 men, accompanied by two gunboats, November 7, 1861, attacked Belmont, an outpost of the Confederate left flank, situated on the Missouri side of the Mississippi River, opposite the entrenchments at Columbus, Kentucky. The place was defended by a small force under command of Colonel Tappan. General Polk ordered General Pillow to cross the river to support Colonel Tappan, and subsequently sent General Cheatham with additional forces. General Grant's attack was at first successful, but, being assailed in the rear by General Cheatham, his forces were routed, and fled to the cover of the gunboats.

368. The Bridge Burners.³—The day after the Battle of Belmont, November 8, 1861, occurred the burning of the bridges in East Tennessee. This enterprise was planned by William Blount Carter, of Elizabethton, Tennessee. It was agreed upon in a conference with General McClellan, Secretary Seward, and President Lincoln. The plan was to burn, on the same night, nine bridges between Stevenson, Alabama, and Bristol, thus rendering useless 265 miles of railroad, and interrupting the communications between Tennessee and Virginia. On the appointed night, five bridges were burned. The bridge at Sweetwater was saved by the heroic defense of the guard, James Keilan. The bridge burners worked with great secrecy, but six of them were arrested, tried by court-martial, and condemned. Colonel Ledbetter, acting under instructions from Judah P. Benjamin, Confederate Secretary of War, carried into execution the sentence of the court, and five were hanged. The sixth was pardoned by President Jefferson Davis. A number of Union men, suspected of similar designs, were imprisoned, and many Union men escaped and joined the Federal army. The circumstances connected with the burning of the bridges, and the severe measures used for the suppression of similar attempts, added greatly to the bitterness of sentiment in East Tennessee.

369. Fishing Creek, or Mill Springs.—The next movement to break the Confederate line was made against its right flank. General Thomas, commanding a strong Federal force, marched against Beech Grove, north of the Cumberland River, where the right wing of the Confederate army was entrenched, under the command of Gen. George B. Crittenden, having been thrown forward from Cumberland Gap. Learning of the approach of the Federal force, General Crittenden moved forward to anticipate the attack. General Zollicoffer, leading the advance, encountered the enemy near Fishing Creek, January 19, 1862. After a severe battle of more than three hours, in which General

³ East Tennessee and the Civil War, Temple, pp. 362, 370-388, 393, 418.

Zollicoffer was killed, the Confederates were defeated, and driven back to Beech Grove. Finding his army unable to withstand the superior force of General Thomas, General Crittenden withdrew during the night to the south side of the Cumberland.⁴

The death of General Zollicoffer cast a gloom over the State. Beloved by the Confederates, he had gained the esteem of the Unionists while in command at Knoxville. He fell, an early victim of the war, before partisan passions had reached the bitter stage, and was lamented by friend and foe.

CHAPTER XXXIII.

TENNESSEE THE BATTLEGROUND.

370. Fort Henry.—Fort Henry on the Tennessee, and Fort Donelson, on the Cumberland, were twelve miles apart, protecting the navigation of the two rivers. Fort Henry was defended by a force of 2,610 men of all arms, under command of Brigadier General Loyd Tilghman; Fort Donelson, by a force of about four thousand men, under command of Brigadier General Bushrod Johnson. February 4, 1862, General Grant, with a force of 16,000 men, accompanied by a fleet of seven gunboats, carrying 54 heavy guns, began operations against Fort Henry. Finding that it was impossible to save the fort, General Tilghman determined to save the garrison. He, therefore, on the third day of the siege, February 6th, ordered Colonel Heiman to proceed to Fort Donelson with the main body of the troops, while he remained in person with one artillery company to engage the enemy and secure the retreat. Being immediately assaulted, the little garrison of 66 men maintained a gallant resistance for two hours and ten minutes, when they surrendered, after disabling two of Commodore Foote's gunboats, and inflicted on his fleet a severe loss. This was the first battle of the Confederate War fought on Tennessee soil.

371. Fort Donelson.—General Grant now moved across the narrow peninsula between the two rivers, and invested Fort Donelson, February 12th. On the evening of that day, he was reinforced by six reg-

⁴ Rise and Fall of the Confederate States, by Jefferson Davis, Vol. II, Chapter XVI; Confederate Military History, Vol. VIII, by James D. Porter, Chapter II; Campaigns of the Civil War, Vol. VII, Chapter II; Smith's History of Kentucky, p. 621.

iments of infantry and by Commodore Foote's fleet of gunboats. During the siege, he received additional reinforcements. His total force is variously estimated. General Buckner reported it to be 50,000 men. General Buell stated it to be between 30,000 and 35,000. The Federal statistical records generally place it at 27,000. In addition to this was Commodore Foote's fleet of six gunboats. Meanwhile, the garrison at Fort Donelson had been strengthened by the troops from Fort Henry, under Colonel Heiman, and the arrival of reinforcements under Generals Buckner, Pillow, and Floyd, and Gen. John B. Floyd had assumed the chief command. The total Confederate force has been variously estimated at from 11,738 to 20,000 men. No exact information is attainable.¹ The most reliable estimates place the total force at about 15,000. The siege lasted five days — February 12 to 16. The first fighting was favorable to the Confederates. The gunboats were disabled and forced to retire; the besieging lines were successfully assailed and driven back, and a road was opened for the retreat of the garrison. On February 15th, the day before the surrender, the defense had been brilliant and successful. Then followed a fatal misunderstanding between the commanding officers. The road which had been opened for the retreat of the garrison was weakly abandoned. General Floyd turned over the command to General Pillow, and departed with a portion of his command. General Pillow turned over the command to General Buckner, and likewise departed. General Buckner announced his intention to surrender the garrison. Col. N. B. Forrest, after protesting against the surrender, marched out with his cavalry force, and a few other soldiers. February 16, General Buckner surrendered the garrison. It is the general opinion of military men that affairs were badly managed. The statistical records² give the Federal loss in killed and wounded as 2,331, and the Confederate loss as 15,067, including prisoners. The Confederate loss is given as an estimate, and is evidently too great. The Confederate loss in killed and wounded, from reliable estimates, was about 1,420.

372. The Retreat.— The surrender of Forts Henry and Donelson was a serious blow to the Confederate cause. It broke the line of the Cumberland, destroyed all hope of holding Kentucky, and lost control

¹ See Confederate Military History, Vol. VIII — Tennessee — by Hon. James D. Porter, pp. 18-32; Campaigns of the Civil War, Vol. II, Chapters II and III; *Ibid.*, Supplemental Volume (Statistical Record), p. 94; Official Records, Vol. VII.

² Campaigns of the Civil War, Supplementary Volume, p. 213.

of Middle and West Tennessee. Bowling Green, Kentucky, and Nashville and all points in Middle Tennessee, were promptly evacuated, and Gen. A. S. Johnston concentrated his forces at Corinth, Mississippi. A portion of West Tennessee was held for a short time, in order to dispute the control of the Mississippi River. General Polk commanding the defenses of the Mississippi, began the evacuation of Columbus, Kentucky, February 25th, and fell back to the Tennessee line, where he constructed defenses at Island No. 10, in the Mississippi River, and along the banks of the river, from New Madrid to Tiptonville. General McCown was placed in command of these defenses, aided by Commodore Hollins, with eight gunboats. General Pope, with a strong Federal force, assailed the Confederate works. March 16, Commodore Foote, with his fleet of gunboats and mortar boats, began the attack on Island No. 10. The island was gallantly defended for three weeks, when the whole line was abandoned, and the entire Confederate force began the retreat, which was intercepted at Tiptonville. At this place, General Mackall, who had succeeded to the command, surrendered about 3,000 men, April 8.

373. Strategic Movements.—After the evacuation of Middle Tennessee, Gen. A. S. Johnston concentrated the Confederate army at Corinth, Mississippi, reaching there, in person, March 24th. General Buell had occupied Nashville, February 24th, the day after the retreat of the rear-guard under Forrest, and no obstacle interposed to the complete occupation of Middle Tennessee. A strong Federal force was speedily concentrated at Pittsburg Landing. General Grant arrived there March 17th, and assumed command.

374. Shiloh.—General Johnston, being informed that the Federal authorities were planning to accumulate, at Pittsburg Landing, an overwhelming force to attack Corinth, and that General Buell and others were on their way with reinforcements, determined to make an immediate attack on General Grant, before his reinforcements could arrive. The Federal army was encamped on the south side of Tennessee River, near Shiloh Church, not far north of the southern boundary of Tennessee. General Johnston began the attack Sunday morning, April 6th, with a force, differently estimated at 40,000 to 50,000 men. He stated it, himself, to be 40,000. The force of General Grant is, likewise, differently estimated, from 32,722 to 41,153. On the first day, the Confederates won a brilliant victory, and had driven the Federal forces back towards the river, under the protection of their gunboats, when General Johnston was killed, about two o'clock p. m. Much confusion was

caused by his fall, and the consequent failure of orders to continue the attack. General Beauregard succeeded to the command, and considered the hour too late to renew the attack. During the night, General Buell arrived with about 20,000 men, Gen. Lew Wallace with about 6,500, and other troops amounting to about 1,400. These reinforcements, of about 27,900 fresh men, were sufficient to turn the tide of battle. Early the next morning, General Grant attacked with all his forces. The Confederates were driven back, and retreated to Corinth. This battle was fiercely contested, and the losses on both sides were heavy. The Confederate loss in killed, wounded, and missing, was 10,699, about one-



FEDERAL CEMETERY AT SHILOH.

fourth of the army. The Federal loss, as given in official records, was 13,573.³

375. Corinth.—A few days after the Battle of Shiloh, General Halleck arrived in person at Pittsburg Landing and assumed command of the combined armies of Grant and Buell, April 11th. He ordered General Pope, who was then engaged in besieging Fort Pillow, to leave two regiments to continue the siege, and to report, with the rest of his army, to Pittsburg Landing. All other available troops were concen-

³ Confederate Military History, Vol. VIII, Chapter III; Campaigns of the Civil War, Vol. II, Chapters V, VI, and VII; *Ibid.*, Supplementary Volume, pp. 97, 213; Official Records, Vol. X, Series I, pp. 108, 112, 113, 396, 398, 399; Rise and Fall of the Confederate States, by Jefferson Davis, Vol. II, Chapters XVII, XVIII, and XIX.

trated at this point, and in the latter part of April, Halleck, with an army exceeding 100,000 men, began the movement to dislodge Beauregard from Corinth. Beauregard, also largely reinforced, held his position at Corinth, and threw forward outposts towards the front. Halleck, advancing slowly and cautiously, had approached close to Corinth, when General Beauregard evacuated the place, May 30th, and retreated South.*

376. Memphis Evacuated.—It was now impossible to hold West Tennessee. June 1st Fort Pillow was abandoned. June 6th, Commodore Davis, who had succeeded Commodore Foote, in command of the Mississippi fleet, destroyed the Confederate flotilla which attempted to defend Memphis, and the Federal forces occupied the city. Thus, by a strange decree of fate, Middle and West Tennessee, which were strongly Confederate in sympathy, came under the control of the Federal authorities, and East Tennessee, which was strongly Union in sympathy, remained in possession of the Confederates. While such a condition was painful to all sections, it served to demonstrate the frank and firm character of the people of Tennessee. But few instances were found of apostasy or treachery. The mass of the people, on either side, resenting what they considered the oppression of their enemies, remained true to their convictions, and outspoken adherents of the cause which they espoused. Confederate soldiers marched by their homes, and followed their colors on the retreat to the South, while East Tennessee Unionists abandoned home and fled to join the Federal army.

377. The State Government.—We have, heretofore, followed the State government to the close of the Thirty-third General Assembly. The first session of the Thirty-fourth General Assembly convened at the Capitol October 7, 1861, and adjourned from December 21 to January 20, 1862. February 15, 1862, in consequence of the fall of Fort Donelson, the Legislature adjourned to Memphis, where it met February 20th. After passing acts to authorize the State Banks to remove their locations, in case of invasion, and other acts to enable the governor to provide for emergencies, the Legislature adjourned *sine die*, March 20th. The regular elections had been held, August 1, 1861, previous to the evacuation of the State. Isham G. Harris was reelected governor, with a Legislature strongly Confederate in sympathy. Representatives were also elected to the Provisional Confederate Congress. Landon C. Haynes and Gustavus A. Henry were elected Senators to the Confed-

* Campaigns of the Civil War, Vol. II, Chapter V.

erate Senate, and served to the end of the war. November 6, 1861, regular elections were held for Representatives to the First Permanent Confederate Congress, and for Presidential Electors. After the evacuation of the State, civil government was paralyzed, and subsequent elections were held irregularly, and for the most part by the soldiers in the Confederate camps. In 1863, Robert L. Caruthers was elected governor, but failed to qualify as such, and Isham G. Harris continued nominally in office. In the same year, eleven Representatives were elected to the Confederate Congress.⁵

378. Military Government.—February 22, 1862, General Grant issued an order suspending civil government in Tennessee and declaring martial law. March 3d, President Lincoln appointed Andrew Johnson Brigadier General and Military Governor of Tennessee. Thus, the whole of Tennessee was placed under military government, Middle and West Tennessee by the United States, and East Tennessee by the Confederate States. Governor Johnson arrived at Nashville and assumed command as Military Governor, March 12, 1862. He, at once, entered upon a vigorous policy, intended to crush resistance and restore Tennessee to the Union. This policy was severe against those who persisted in sympathy with the Confederacy, and conciliatory to those who were willing to desert the Confederate cause. He required test oaths from public officers and suspected persons, fined citizens suspected of Confederate sympathy. Beginning in Nashville, he required all members of the city council, teachers, ministers of the gospel, and influential citizens, to take the test oath. Those who refused were arrested for treason. Some were imprisoned and others sent South. A Union convention was held in the city, which passed Union resolutions, and issued a public address. As a test of public sentiment, the governor ordered an election for Judge of the Criminal Court. The Union candidate was defeated by the popular vote, whereupon Governor Johnson arrested and imprisoned the successful candidate.

379. The Raids.—The conditions in Tennessee afforded the opportunity for a species of warfare which was peculiarly suited to the genius of the Confederate soldier, and has no parallel in any other war. In the fine-stock-raising States of Tennessee and Kentucky, the citizens were nearly all expert horsemen, and were provided with an abundant

⁵ Miller's Manual, pp. 44, 45, 46, 169, 174, 177, 178; Loyal Mountaineers, pp. 126-129; American Historical Magazine, Vol. I, No. 4, p. 310 (Article of R. L. McDonnold, October Number, 1896).

supply of the finest horses in the world. As a result, the cavalry service, or, more properly, the mounted infantry service, was very popular. Daring leaders, like Morgan and Forrest, found it easy to attract recruits to their standards. The main body of the Federal troops had been concentrated under Halleck and Grant for the large operations in the South. Tennessee was held by small garrisons, stationed at a few important towns. With a brilliancy and dash which has never been surpassed, the Confederate raiders suddenly broke into Tennessee and Kentucky, captured garrisons, disconcerted the matured plans of Federal generals, and of the Military Governor, and reanimated the drooping spirits of their Confederate friends.

380. Morgan.—Early in May, Col. John H. Morgan entered Middle Tennessee, and after performing brilliant exploits at Pulaski and other points along the Nashville and Decatur Railroad, moved around the vicinity of Nashville, and rested at Lebanon, where he was attacked and defeated. Moving into Kentucky, he made a successful attack at Cave City, and then retired to Chattanooga to recuperate, preparatory to his famous Kentucky raid.

381. Forrest.—Col. Nathan Bedford Forrest, moving by a secret and rapid march from Chattanooga, with a force of 1,300 mounted men, reached Murfreesboro on the morning of July 13th, about five o'clock. The town was defended by a garrison of more than 1,765 men, under command of General Crittenden. After sharp fighting, the entire garrison was captured, together with four pieces of artillery, 600 horses and mules, and a large quantity of stores and supplies. A number of citizens who were held in arrest on account of their "sympathy with the rebellion," six of whom were under sentence of death, were set free. After brilliant exploits and narrow escapes, he eluded General Nelson, who attempted to encompass him with a large force. September 3d, he joined the main body of General Bragg's army, then at Sparta, on its way to invade Kentucky.⁶

382. Morgan.—While Forrest was engaged in Middle Tennessee, Morgan was operating in Kentucky and in Tennessee north of Nashville. General Bragg was at that time preparing to move his army into Kentucky, and ordered Morgan to destroy the Louisville and Nashville Railroad, so as to impede the movements of General Buell. Having

⁶ Campaigns of Lieutenant-General N. B. Forrest, by Jordan and Pryor, Chapter V.; also, former references, Campaigns of the Civil War, Vol. VII, Chapter IV; Wyeth's History of Forrest, etc.

returned from his brilliant raid into Kentucky, he began operations in Tennessee, captured Gallatin, with two hundred prisoners, destroyed the railroad bridge and the tunnel near that place, and captured Colonel Boone, at Hartsville. He defeated Gen. R. W. Johnson, who had been sent against him, with a force of cavalry, infantry, and artillery. General Johnson, with a portion of his command, surrendered as prisoners of war.

CHAPTER XXXIV.

KENTUCKY CAMPAIGN.

383. Condition of East Tennessee.—East Tennessee had all the while been occupied by Confederate troops, and held under military control. Although the large majority of the population were Union in sympathy, there was a respectable minority who warmly espoused the Confederate cause. This division of sentiment led to much strife and many acts of violence between the opposing parties. The Union men were restive under Confederate control, and complained bitterly that they were subjected to injustice and oppression. They solicited the Federal authorities to occupy the country, yet, so far, no such attempt had been made. General Zollicoffer and General Crittenden had successively commanded the Department. In the spring of 1862, Gen. E. Kirby Smith was assigned to this command, with headquarters at Knoxville. The possession of East Tennessee, at this juncture of affairs, afforded the opportunity for the invasion of Kentucky.

384. Bragg Occupies Chattanooga.—After the evacuation of Corinth, May 30, 1862, the Confederate army was divided. Gen. Braxton Bragg, June 17th, was assigned to the command of the Army of Tennessee, and moved from Tupelo to occupy Chattanooga; General Buell was, also, moving from Corinth with the same purpose in view, and the further purpose of invading East Tennessee. Bragg won the race, and, upon reaching Chattanooga, began preparations for assuming the offensive.

385. Advance of Gen. E. Kirby Smith.—August 16th, General Smith entered Kentucky, and moved northward. On the 30th, he gained a brilliant victory at Richmond over a superior force, commanded by General Manson, and subsequently by General Nelson. He then sent General Heth forward to threaten Cincinnati, while he accumulated

army supplies and awaited the arrival of General Bragg, to whom he reported, October 4th.

386. Bragg's Kentucky Campaign.—General Bragg marched to Glasgow, Kentucky, which place he reached September 13th. Mumfordsville was captured on the 17th, with 4,267 prisoners, ten pieces of artillery, and a large amount of munitions of war.

So far, Bragg's movements had been brilliant and successful. Buell had been completely deceived and outflanked, and was following on behind, having been outstripped in the race. From this point to the close of the campaign, the strategy of General Bragg has been blamed by some military critics and defended by others. After several days of maneuvering, he left the main route to Louisville, and permitted General Buell to pass.

General Buell, after receiving reinforcements and supplies at Louisville, marched out to offer battle. A brilliant, but indecisive, battle was fought at Perryville, October 8th, in which the losses of General Buell are stated, in the statistical records, as 4,348. The Confederate loss has been variously estimated from 2,500 to 7,000. The most reliable estimate places it at 3,212. After this battle, General Bragg withdrew from Kentucky at leisure, bringing with him large stores of supplies.

387. Forrest Returns to Tennessee.—General Forrest had been employed during the Kentucky campaign in harrassing Buell's army.¹ A few days before the Battle of Perryville, he was relieved from command of his brigade, and ordered to Middle Tennessee, for the purpose of recruiting and organizing cavalry troops, of which he was to assume command, and to take possession of the most eligible position from which he could annoy the Federal forces at Nashville, and secure a rallying point for the concentration of an army. Leaving Bardstown, Ky., September 27th, he travelled on horseback, and reached Murfreesboro October 1st.

388. The Condition in Middle Tennessee.—General Negley, with a small force, held Nashville. The Confederate Congress had recently passed the partisan ranger law. Under this law, a number of independent battalions and companies were recruited. These several independent organizations, by concert of action among their leaders, but under no general command, established camps on the various turnpikes leading out of Nashville, and effectually blockaded the city. About

¹ Smith's History of Kentucky, pp. 631-650; Rise and Fall of the Confederate States, Vol. II, pp. 382-384; Confederate Military History, Vol. VII, Chapter IV; Campaigns of the Civil War, Vol. VIII, Chapters V and VI; Official Records, Vol. XVI, Part II.

1,700 of these partisan rangers had assembled at Lavergne, fifteen miles from Nashville. October 7th, a few days after the arrival of General Forrest at Murfreesboro, this assemblage was attacked, and nearly surrounded, by a force sent by General Negley from Nashville, consisting of 400 cavalry and 2,600 infantry. Panic-stricken, the Confederates fled from the camp, making almost no resistance. A few of the number were captured. This precipitate flight received the name of the "Lavergne Races." General Forrest came to the rescue, and pursued the Federal force to Nashville.

389. Organization.—From the experience of the "Lavergne Races," the independent "partisan rangers" had learned the value of organization. They were inspired by the advent of their natural leader. Nearly all of them enlisted as regular cavalry, and thus, the nucleus of an army was ready at Forrest's hands. Before November 1st, a force of 3,500 cavalry was organized at Murfreesboro. Those who had taken part in the "Lavergne Races," now possessed with the spirit of veterans, were ever afterwards the bone and sinew of "Forrest's Cavalry."

390. Nashville Threatened.—General Breckinridge arrived at Murfreesboro, and assumed command, October 28th, bringing with him the advance of Bragg's army, about 3,000 infantry. Forrest, at once, advanced to Lavergne with his cavalry force. The brigade of General Hanson, consisting of 3,000 infantry and two batteries, was added to his command. Having obtained the consent of General Breckinridge, Forrest moved from Lavergne, November 6th, for the purpose of capturing Nashville. He approached the city, and had actually driven in the pickets, and formed his lines for the assault, when he received orders from General Breckinridge, under peremptory instructions from General Bragg, forbidding the attack. Deeply disappointed, he withdrew his forces, under protest.

CHAPTER XXXV.

CONTEST FOR TENNESSEE.

391. Concentration at Murfreesboro.—The army of Tennessee, having returned from Kentucky, was concentrated at Murfreesboro, at which place General Bragg established his headquarters, December 2, 1862. The line extended east to Triune, and west to Readyville. For-

rest was sent on an expedition to West Tennessee, and Morgan to Kentucky. Gen. Joseph Wheeler was made Chief of Cavalry, and commanded the outpost at Lavergne. Meanwhile, General Buell had been relieved from the command of the Army of the Cumberland, and his successor, Gen. William S. Rosecrans, concentrated the Federal forces at Nashville. December 26th, General Rosecrans advanced from Nashville to attack Bragg at Murfreesboro. The advanced posts were driven from Lavergne, and the two armies were face to face on the 30th day of December.

392. Battle of Murfreesboro.—On the last day of the year 1862, December 31, the battle began, and was fiercely waged for three days. This battle was remarkable for its vicissitudes, and was one of the most closely contested battles of the war. At the end of the struggle, both sides claimed the victory. The report of General Bragg states his force present for duty on the first day of the battle, 37,712, and his total loss in killed, wounded, and missing, 10,266, a loss of $27\frac{1}{2}$ per cent, and three pieces of artillery. He estimates the enemy's force at 70,000 men on the field, with reinforcements approaching. He reports that he had captured 6,273 prisoners, by actual count, with thirty pieces of artillery, 6,000 stands of small arms, and a large amount of property, besides destroying over 800 of the enemy's wagons and much valuable property.¹ General Rosecrans reports his effective force as 46,940; number engaged in the battle, 43,400, and estimates the enemy's force at 62,490. In his first report, he estimates his own loss at 11,578. In a subsequent revised statement, he gives his loss as 9,532 killed and wounded, and 3,717 prisoners, making a total of 13,249. If General Bragg's counted list of 6,273 prisoners be correct, it would make the loss of Rosecrans 15,805, a loss of $36\frac{1}{2}$ per cent.²

393. Wheeler's Raids.—A remarkable feature of the battle was the cavalry raids of Generals Wheeler and Wharton. Four of these raids were made. In one of them, General Wheeler passed entirely around the Federal army. A number of wagons and a large amount of property were destroyed, horses and mules were captured, many prisoners were taken, and Rosecrans' communications were, for a time, interrupted. General Wheeler hoped to capture the Federal ammunition train. In this, however, he was foiled by the precautions of General Gates P. Thruston (then captain), who was in command of the train,

¹ Official Records, Series I, Vol. XX, Part I, pp. 663-674.

² Official Records, Series I, Vol. XX, Part I, pp. 188-217.

and, in disobedience of orders, changed the location of his train from Lavergne to a point six miles nearer Murfreesboro. If this train had been captured, the retreat of the Federal army would have been necessary.

394. The Line of Duck River.—General Bragg retreated to Shelbyville, and established his line along Duck River, the left extending to Columbia, guarding the Louisville and Nashville Railroad. Rosecrans remained quietly at Murfreesboro for six months, making extensive preparations for the forward movement which he was planning. His right extended to Franklin, on the Louisville and Nashville Railroad.

The only activity was on the line of the Louisville and Nashville Railroad, where the Confederate left wing, under Van Dorn and Forrest, confronted the Federal right under Gordon Granger. Forrest had been sent on an expedition to West Tennessee, a short time before the Battle of Murfreesboro.

After brilliant exploits performed at Lexington, Jackson, Trenton, Union City, Parker's Cross Roads, and other places, and accompanying General Wheeler on two expeditions to Cumberland River, he returned to Middle Tennessee and took position at Columbia, on the left flank of the army. Soon afterwards, Gen. Earl Van Dorn arrived with a force of 4,500 men, and assumed command at Columbia.

395. Cavalry Battles.—March 5th, Van Dorn and Forrest met at Thompson's Station a Federal force under Colonel Coburn, numbering about three thousand men. After a spirited engagement, Colonel Coburn surrendered the infantry portion of his command, 2,200 men, including the wounded, while the cavalry escaped. The Confederate loss was thirty-five killed, 140 wounded.³

March 25th, Forrest passed in rear of Franklin, and captured the garrison of Brentwood, taking 759 prisoners.

396. The Streight Raid.—April 23d, Forrest was ordered to North Alabama to assist General Roddy, who was falling back before the superior force of General Dodge. While engaged in this service, he learned that Colonel Streight, with a force of about two thousand men, was moving to the South to capture Rome, Georgia, for the purpose of destroying valuable Confederate works at that place. Moving rapidly, he overtook Streight at Sand Mountain, and immediately

³ Campaigns of Civil War, Vol. VII, pp. 141-143. Accounts of this battle differ. This seems the fairest account.

attacked him, capturing his camp. Streight retreated up Sand Mountain Gap, where he repulsed an attack, and continued his march for Rome, followed by Forrest.

After an exciting chase of four days, interspersed with running fights, Colonel Streight surrendered, May 3d, near Rome, his whole force of 1,466 men, which was increased a few hours later by the surrender of another detachment, making the total number of prisoners about 1,700. The entire force present with Forrest at the surrender was only 500 men. This was admitted by all military men to be one of the most brilliant feats of the war.

397. Evacuation of Middle Tennessee.—In June, 1863, General Rosecrans moved forward, with a large and well appointed army, to force Bragg from Middle Tennessee. Bragg made a show of resistance, but after some fighting, evacuated Middle Tennessee. July 7th, the Confederate army was concentrated at Chattanooga. General Buckner held Knoxville and East Tennessee until September 2, 1863, when, upon the approach of a strong Federal force, under command of Gen. A. E. Burnside, he withdrew from Upper East Tennessee, and joined Bragg near Chattanooga. General Longstreet was detached from the Army of Virginia, with more than five thousand men of his corps, and was coming by railroad to reinforce Bragg.

In the meantime, General Rosecrans was marching to the attack, with an army of 70,000 men. He had crossed the Tennessee River at Bridgeport, and was moving to the Confederate rear. General Bragg evacuated Chattanooga September 8th, and fell back to Lafayette, Ga., to form a junction with General Longstreet, whose forces were approaching from the South.

398. Chickamauga.—The greatest battle of the West was fought September 19th and 20th, mainly on Georgia soil, near the Tennessee line, and for the possession of Tennessee. General Bragg attacked the Federal army along the line of Chickamauga Creek. The main body of the army was the flower of the Tennessee troops. Inspired by the hope of regaining their homes, they fought with a valor that has never been surpassed on any field.

The total forces of the Federal army, by the morning report of September 20th, was 67,548 men, of which 64,392 were engaged in the battle. Bragg's total effective force in the battle was 47,321. The losses on both sides were very heavy. The Federal loss was 16,170, as officially reported. The Confederate loss has never been officially reported, but, from the best estimates, was not far from equal to the

Federal loss. The Federal army, demoralized and beaten, saved from destruction only by the heroic defense made by General Thomas, fled in confusion to Chattanooga.

General Forrest was sent through Rossville Gap with a small force to assail the flank of the fleeing column. The Eleventh Tennessee Cavalry, under Col. D. W. Holman, leading Forrest's advance, approached within less than a mile of Chattanooga, and held this position for more than five hours. General Forrest urged that the Federal line of retreat should be intercepted at this point. General Bragg, however, prohibited pursuit, and Rosecrans occupied and fortified Chattanooga.⁴

339. Siege of Chattanooga.—The victory of Chickamauga was barren of results to the Confederates. The soldiers who had fought so hard to open the road to Tennessee complained that General Bragg had failed to follow up his victory, and had permitted the Federal army to fortify Chattanooga. Rosecrans was now besieged, and confined to the city and its defenses, while the effort was made to force the surrender of his army, by destroying his communications.

The authorities at Washington, however, recognized the importance of holding the great gateway of Chattanooga, and relief was sent, in time. October 24th, General Grant arrived at Chattanooga, and assumed command of an army largely reinforced, with restored communications, and ready to resume the offensive.

400. Forrest Transferred, Longstreet Detached.—General Forrest, a few days after the battle of Chickamauga, was sent into East Tennessee to intercept an attempt, which was suspected, on the part of Burnside, to form a junction with Rosecrans. On this expedition, he encountered and defeated Federal forces at Charleston, Athens, Sweetwater, Philadelphia, and London. Soon afterwards, he was transferred to the Mississippi Department, where he arrived November 18th.

Early in November, General Longstreet was ordered to move against Burnside, at Knoxville. He carried with him his own corps, Gen. Bushrod Johnson's division, and other infantry, and a cavalry force under General Wheeler. After some fighting on the way, he reached and invested Knoxville, November 17, 1863.

⁴ Official Records, Vol. XXX, Parts I, II, and III; Campaigns of the Civil War, Vol. VII, Chapters XI and XII; Confederate Military History, Vol. VIII, by James D. Porter, Chapter VII; Rise and Fall of the Confederate States, by Jefferson Davis, Vol. II, pp. 427-434; Military Annals of Tennessee, by J. Berrien Lindsley, pp. 693-695; Campaigns of Lieut.-General N. B. Forrest, Chapters XI and XII.

401. Orchard Knob, Lookout Mountain, Missionary Ridge.—

General Grant had now accumulated an immense force at Chattanooga, and had fully established his lines of communication. Bragg, with his forces weakened by the detachment of Longstreet, clung tenaciously and fatally to the investment of Chattanooga. In the closing days of November, in a series of detached actions, known as the battles of Chattanooga, Grant broke the Confederate lines at Lookout Mountain, Orchard Knob, and Missionary Ridge. The final disaster at Missionary Ridge, November 25th, drove Bragg to retreat South in confusion. December 27th, Gen. Joseph E. Johnston assumed command of the



FEDERALS CLIMBING LOOKOUT MOUNTAIN AFTER THE RETREAT OF THE CONFEDERATES.

Army of Tennessee, at Dalton, Georgia. Early in May, 1864, the Federal forces advanced, and the Atlanta campaign began.

402. Siege of Knoxville Raised.—After the defeat of the Confederate army at Missionary Ridge, General Grant detached a force of 30,000 men, under command of General Sherman, and another force from Decherd under General Elliott, to move towards Knoxville, and to coöperate with a third force, moving from Cumberland Gap, to raise the siege of Knoxville. General Longstreet, being informed of these movements, raised the siege December 4, 1863, and withdrew towards Virginia.

General Longstreet continued to hold a portion of Upper East Tennessee, with headquarters at Morristown. He was, soon afterwards, succeeded by General Buckner.

403. A Romantic Campaign.—A desultory campaign followed, maintained, for the most part, by the cavalry. This campaign was one of the most romantic in the history of the war. Two large bodies of hostile cavalry, unable, on account of the difficulty of transportation, to procure adequate supplies of forage, were compelled to live upon the country. They fought for possession of the fertile sections, but the scarcity of supplies forced them to separate into small detachments. Roving bands, in pursuit of subsistence, encountered each other, and the hostile commands became inextricably entangled. Then followed a period of innumerable skirmishes and individual adventures, which accords more with the chronicles of knight errantry than with the annals of modern warfare.

This condition of affairs subjected the citizens to a reign of terror. The impressments of food, forage, and horses, made by both sides legitimately, under the pressure of military necessity, were bad enough, but the situation afforded the opportunity to lawless men to perpetrate outrages which no honorable partisan will wish to defend, and which the brave soldiers of either army not only condemned, but were ever ready to avenge.

During this short campaign, a number of brilliant engagements occurred, among which were: Maynardsville, December 3d; Mossy Creek, December 24th and December 29th; Dandridge, January 20, 1864; Dibrell's Hill, January 28th; Shook's Gap, February 20th. In the spring of 1864, the Confederate troops were withdrawn, and the entire territory of Tennessee remained in possession of the Federal authorities.

CHAPTER XXXVI.

MILITARY GOVERNMENT.

404. Governor Johnson's Plans.—Andrew Johnson, Military Governor of Tennessee, was now free to assert jurisdiction over the entire State, and to resume his policy of restoring it to the Union. From the beginning, it was his ardent ambition to be the instrument to restore the Federal relations of Tennessee. His plans had been inter-

rupted by the reöccupation of the State by the Confederate army. He now returned vigorously to the task.

405. Proclamations.—January 26, 1864, Governor Johnson issued a proclamation, providing for the election of county and city officers, to be held March 5th. The next day, he issued a second proclamation, granting amnesty to those who should take an oath which he prescribed, and disqualifying all others from voting or holding office. These proclamations were not acceptable either to the Confederate sympathizers or to the Unionists. The Confederates considered the oath as severe and humiliating in its terms, and the Unionists objected to it, because they thought it opened the franchise too widely, and because it was unjust to require any oath from men whose loyalty had never been suspected.

There were, in all portions of the State, men who, from Union sentiment, or from disability, by age or otherwise, while sympathizing with their friends in the Confederate army, had taken no part in the struggle, and had remained inactive or neutral. There were enough of these to organize a State government, and maintain order within the Federal lines. They felt it to be their wisest course, and their duty, to interpose in this crisis, for the benefit of the helpless non-combatant residents of the State. Governor Johnson hoped to bring such men to his support. Unfortunately, he was persuaded by others to frame an oath to which many whom he wished to conciliate could not honorably subscribe. They were willing to take an oath to abstain from any participation in the contest, but this oath required them to transfer partisanship from one side to the other. The course of Governor Johnson aroused opposition among his own partisans, which defeated his purposes, and later on, led to a fierce political conflict.

406. Union Conventions.—August 12th, a general conference of prominent Union men was held at Nashville. This conference called a convention to meet at Nashville, September 5th, to take steps for the reorganization of civil government, and to provide for holding the Presidential election.

The convention met at the appointed time, and a wide divergence was developed between its members. The Radical wing of the Union party advocated extreme measures, which the Conservative party strenuously opposed. The Radicals gained control of the convention, and the Conservatives withdrew. The breach was widened by the Presidential election, which soon followed. Andrew Johnson was a candidate for Vice-President. He issued a proclamation, prescribing for

voters the famous "iron-clad oath." It was charged by his opponents that this oath was framed to prevent the Conservatives from voting, and thus to secure the State in favor of the Lincoln and Johnson electors.

CHAPTER XXXVII.

FORREST'S RAIDS.

407. The Tennesseans in Retreat.—After the disaster of Missionary Ridge, and the evacuation of East Tennessee, the Confederates never again held permanent possession of Tennessee, but they did not leave the Federal possession undisturbed. In many battles, and in almost daily skirmishes, the Tennessee soldiers, fighting in other States, bore the part of heroes, ever sustained by the hope of winning back their beloved Tennessee.

408. Forrest in West Tennessee.—The first advance into Tennessee was made in the west. After the battle of Chickamauga, General Forrest was transferred to Mississippi, taking with him 310 men of his old command. Here he was assigned to the duty of invading West Tennessee, in the hope of raising a force of cavalry, and of annoying the enemy. The expedition was regarded as a "forlorn hope," but it led to the most brilliant epoch of Forrest's military career, drew on his exploits the eyes of the world, and won his title, "The Wizard of the Saddle."

Entering West Tennessee with five hundred men, he remained there thirty days, recruited a force of three thousand men within the enemy's lines, evaded General Hurlbut, who attempted to encompass him with a force of twenty thousand men, fought five battles — Jack's Creek, Estenaula, Somerville, Lafayette, and Collierville — threatened Memphis, crossed the Wolf River on the bridge built by his pursuers on their way to capture him, and finally passed the fortified line of the Memphis and Charleston Railroad, and reached the Confederate lines, having inflicted on his pursuers a loss of about two hundred men, and bringing out a long train of wagons laden with supplies, besides a great number of horses, mules, and cattle. For this feat he was rewarded by the appointment of Major General.

409. Forrest in Mississippi.—It does not pertain to our history to relate the operations of Forrest in Mississippi. It is sufficient to note

that he made Mississippi the base of his operations, from which he made frequent irruptions into Tennessee. In Mississippi, he became famous for his operations against the forces of Generals Smith and Grierson, over whom he gained brilliant victories. Later, he gained the brilliant victories of Tishomingo Creek and Brice's Cross Roads. Operating from Mississippi, he made four expeditions into West Tennessee and one into Middle Tennessee. The first has already been described.

410. Raids into Tennessee.— March 15, 1864, Forrest started on his second raid into West Tennessee, and extended his operations into Kentucky, captured Union City, made an attack on Paducah, made demonstrations on Columbus and other points in Kentucky, and returned to Tennessee. In addition to numerous minor captures and engagements, at Somerville, Bolivar, and other places, this expedition was made famous by the capture of Fort Pillow. He has been unjustly charged with slaughtering the negro troops at this place after their surrender.

In the third expedition into West Tennessee, he surprised Memphis, penetrated into the heart of the city, and came very near capturing the Federal commanders, Washburn and Hurlbut.

411. Raid into Middle Tennessee.— The next expedition was into Middle Tennessee and North Alabama, crossing the Tennessee River, September 21, 1864. In this brilliant expedition, he captured the Federal garrisons at Athens, Alabama, and at Sulphur Springs Trestle, besides a number of smaller garrisons at block-houses. After making demonstrations at Pulaski, he began a rapid march to strike the communications of Sherman on the Nashville and Chattanooga Railway. On the way, he received intelligence from his trusty scouts that fifty thousand Federal troops were on the march to encompass him. The danger was great. He promptly sent General Buford in command of the wagons and captured stores, under a strong guard, to cross the Tennessee River and retreat South. With the best mounted troops, he made a dash towards Nashville, to mislead the enemy, and secure the retreat of the heavily laden wagon train. The entire force of the enemy followed him. After demonstrations around Columbia, and movements as if to attack Nashville, he suddenly evaded the Federal forces, gathering to surround him, and moved rapidly to the Tennessee River. On the retreat, he was pursued by a large Federal force. The river, swollen by recent rains, was unfordable, and the command was placed in great danger. Forrest's genius improvised the means of

crossing, but a portion of the command escaped only by swimming. The Federals crossed the river in pursuit, but were repulsed at Eastport by Col. D. C. Kelley, one of the best and bravest of Forrest's officers.

In this expedition, General Forrest inflicted upon the enemy a loss of 3,500 men, in killed, wounded, and captured; 8 pieces of artillery, 3,000 stands of arms, 900 horses, besides a large amount of ordnance, medical, quarter-master, and commissary stores, and having destroyed a number of railroad bridges, with nearly one hundred miles of railroad track, two locomotives, fifty cars, etc. He gained over one thousand recruits. All this was accomplished in twenty-three days, with a loss of about three hundred men.

412. Raid into West Tennessee.—After a short rest, Forrest entered West Tennessee on the fourth raid, October 17th, and moved to the Tennessee River, where he took possession of Paris Landing and the old Fort Heiman, the two places being five miles apart. Here he placed batteries in ambush, and laid in wait for boats that were frequently passing on this highway of Federal communications. A number of boats were captured, among which were the *Undine* and the *Venus*. The *Undine* was one of the largest class of river ironclad gunboats, and had a fine battery of eight twenty-four pound howitzers. The *Venus*, having no armament, was speedily equipped, by placing on her the two twenty-pound Parrott guns, which had been so effectively used in capturing her.

The Cavalry Afloat.—Crews were detailed for the "navy," among whom were a few men who had some experience in naval affairs — and now for commanders. Naturally, General Forrest turned to his chief of artillery. In all his campaigns, the *boy* who commanded his artillery had been his right arm. Amiable and modest, that blushing stripling was the bravest of soldiers, and the most skillful of artillerists. The soldiers knew that he could handle artillery as boldly and as well as Forrest could handle cavalry. General Forrest, therefore, selected Capt. John W. Morton to command the fleet. Captain Morton replied: "General, I can handle your guns on land, but I am not familiar with naval fighting. I have, however, temporarily attached to my artillery, Capt. Frank P. Gracey, of Tennessee, a most efficient artillerist, and an experienced boatman." Accordingly, Captain Gracey was placed in command of the *Undine*. Lieut.-Col. W. A. Dawson was assigned to command the *Venus*. The fleet made a trial trip from Paris Landing to Fort Heiman, and returned, while the troops, assembled along the banks, gave vociferous cheers for "*Forrest's Navy*."

413. "Forrest's Navy" Destroyed.— It was now decided to move against Johnsonville, located on the Tennessee River at the crossing of the railroad, where the Federal commanders had established a depot of supplies, and had accumulated a vast quantity of military stores. Ascending the river, "The Navy" encountered a Federal fleet of gunboats. After a severe fight, both of Forrest's boats were disabled, and were destroyed by their crews, who escaped to the shore by swimming.

414. Johnsonville.— Forrest now moved his artillery to points on the river bank opposite to Johnsonville. Here he destroyed the Federal fleet of gunboats, transports, and barges, and set on fire by the hot shot from his artillery the large warehouses and vast piles of army stores, covered with tarpaulins and stacked along the shore. During the night the Confederate forces withdrew, and marched six miles by the light of the conflagration they had kindled.

415. Forrest Retires to Join Hood.— The following day, November 5th, General Forrest began his march to join General Hood for the approaching campaign in Middle Tennessee. In this expedition into West Tennessee, which occupied a little more than two weeks, General Forrest reports that he inflicted upon the enemy a loss of 500 men, 4 gunboats, 14 transports, 20 barges, 26 pieces of artillery, \$6,700,000 worth of property. The Assistant Inspector General of the United States Army, having been sent to inspect and report on the destruction of property at Johnsonville, reports the money value of property destroyed at \$2,200,000.¹

CHAPTER XXXVIII.

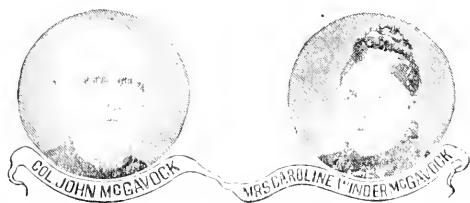
HOOD'S CAMPAIGN.

416. The Confederate Army Reënters Tennessee.— The Atlanta campaign was ended. Gen. Joseph E. Johnston had been superseded by Gen. John B. Hood. Removing from the front of the Federal army, General Hood crossed the Tennessee River, November 21, 1864, and marched for Nashville.

¹ Official Records, Serial Number 77, Forrest's Report, pp. 870-872; *Ibid.*, Report of Assistant Inspector General, pp. 860-863; Confederate History, Vol. VIII, Chapter XII; Campaigns of Lieut.-General N. B. Forrest, especially Chapter XXII.

General Sherman, beginning his march to the sea, appointed General Thomas to oppose the movement of Hood. The reports of December 10th showed the relative strength of the two armies: Confederate army, total effective, 33,393; Federal army, aggregate equipped, 75,153.¹

417. Battle of Franklin.—General Schofield was sent to oppose Hood's advance. After some skirmishing at Spring Hill, Schofield effected his retreat to Franklin, at which place General Hood attacked his strongly entrenched position, and was repulsed, with fearful slaugh-



CONFEDERATE CEMETERY AT FRANKLIN.

ter, November 30, 1864. During the night, Schofield fell back to Nashville. The Federal loss, as officially reported, was 2,326. The Confederate loss, as reported by General Hood, was 4,500.²

The Battle of Franklin was the most pathetic of the Tennessee battles. In the midst of homes and friends, with scarce time to receive from their parents the kiss of welcome after their protracted absence,

¹ Official Records, Serial Number 93, pp. 52-55, 663.

² Official Records, Serial Number 93, pp. 32-59, 652-663.

the flower of the Tennessee youth went into battle, full of ardor and resolution — many of them never to return. The fearful havoc in their ranks inflicted a pang in every household in Middle Tennessee.

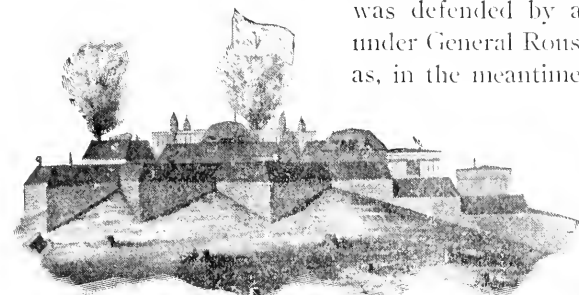
The public grief for the fall of the great leaders, Maj. Gen. Patrick Cleburne, Brigadier Generals Gist, John Adams, Strahl, and Granbury, was mingled with the private grief of parents and friends, who sought the bodies of less renowned but equally heroic soldiers. Friends of the wounded officers of rank, Maj. Gen. John C. Brown, Brigadier Generals Carter, Manigault, Quarles, Cockrill, and Scott, joined in anxious inquiries and ministrations with the friends of the obscure but gallant privates. The people of the vicinity, Confederate and Union, organized themselves into a corps of relief.

418. McGavock Cemetery.—Col. John McGavock, one of the noblest of men, on whose magnificent estate the battle was partly fought, not only made his house a hospital for the wounded, but also gathered the dead and interred them with decent obsequies in a beautiful site adjoining his family cemetery, and in his will, devised the ground to be forever dedicated as a Confederate Cemetery. In all these offices of mercy, he was aided and inspired by his wife. Here sleep the heroes of Franklin, honored and lamented by friend and foe, while McGavock Cemetery, their resting place, remains, likewise, a monument to John McGavock and his honored wife.

419. Nashville.—Following the retreat of Schofield from Franklin, General Hood pursued him to the vicinity of Nashville, where he established his lines about two miles from the city, December 2d. Here, General Hood intrenched his position, and sent Forrest in command of a force of cavalry and infantry to invest Murfreesboro, which

was defended by a force of 8,000 men under General Rousseau. General Thomas, in the meantime, had accumulated an

overwhelming force at Nashville. December 15th, he assaulted the Confederate lines, and was repulsed. The next day, December 16th, he renewed the as-



FORT NEGLEY AT NASHVILLE.

sault, and this time with success. The Confederate line was broken. General Hood retreated on the Franklin road.

Lieut. Gen. Stephen D. Lee commanded the rear-guard, and held the enemy in check until the army reached Columbia. December 18th, Forrest, who had been recalled from the investment of Murfreesboro, arrived at Columbia. The gallant General Lee, while heroically protecting the retreat of the army, had been severely wounded. The command of the rear now devolved on Forrest.

With sad hearts, the soldiers resumed the march south. The Tennesseans passed by their homes, as they had done on previous retreats, but this time with the conviction that Tennessee was permanently abandoned. Yet, with few exceptions, they remained true to their colors. General Hood states in his report that the desertions were less than 300. On Christmas Day, the Tennessee River was reached, at Bainbridge. In two days the crossing was completed, and Tennessee was no longer a battleground.

420. The War Ends.—The Confederate army retired to Tupelo, Mississippi. Lee's, Stewart's, and Cheatham's corps went to South Carolina. Under Johnston, they fought the despairing campaign until they were surrendered, April 27, 1865.

A portion of the Tennessee infantry, and Forrest's cavalry, remained in the Mississippi Department. Forrest, now promoted to Lieutenant General, reorganized his command. All the Tennessee cavalry were organized into a division, which was placed under the command of Brigadier General William H. Jackson, who had borne an important part in all of Forrest's operations, and had performed many brilliant exploits.

421. Surrender of the Last Troops East of the Mississippi River.—May 9, 1865, Gen. Richard Taylor surrendered the last troops east of the Mississippi River, in which were included Forrest's Cavalry. The terms of the surrender were liberal. Officers retained their horses and side arms. Soldiers retained their horses and private property. The several organizations were to return home under command of their own officers, and there to be disbanded, and were to be supplied with forage and rations on the way.

422. The Paroles.—Gen. E. S. Dennis, Commissioner on the part of the United States, and Gen. W. H. Jackson, Commissioner on the part of the Confederate States, issued to each Confederate soldier a certificate of parole, and to each officer a written parole, in the following form:

"I, the undersigned, prisoner of war, belonging to the Army of the Department of Alabama, Mississippi, and East Louisiana, having been

surrendered by Lieutenant General R. Taylor, Confederate States Army, commanding said department, to Major General E. R. S. Canby, United States Army, commanding Army and Division of West Mississippi, do hereby give my solemn parole of honor that I will not hereafter serve in the armies of the Confederate States, or in any military capacity whatever, against the United States of America, or render aid to the enemies of the latter, until properly exchanged in such manner as shall be mutually approved by the respective authorities."



BRIG.-GEN. WILLIAM H. JACKSON,
COMMISSIONER FOR C. S. A.

This parole, signed by the paroled officer, was approved and signed by the two commissioners. The Commissioner for the United States appended the following: "The above-named officer will not be disturbed by United States authorities as long as he observes his parole, and the laws in force where he resides."

Forrest's troops received their paroles at Gainesville, Alabama. Each regiment was mustered, and the command was given, "Ground arms." At the word, the tears and the muskets of the soldiers fell together to the ground. Thus disarmed, they began the homeward march.

423. An Incident.—As the Tenth and Eleventh Tennessee Regiments, commanded by Col. D. W. Holman, marched towards the Tennessee River to met the transports which would convey them across, the men conversed anxiously as to their future prospects. Would they be permitted to live in peace? Would they be subjected to military rule, insult, and oppression? Sore and dejected, they drew near to a Federal camp, where they had been ordered to stop to draw supplies.

The Federal soldiers could be seen assembled in long lines on both sides of the road to view "Forrest's Cavalry." Anticipating insult, they felt deeply their unarmed and helpless condition. It was not thus that they were accustomed to approach a Federal garrison. As they passed between the rows of Federal soldiers, a few camp followers, who had gathered in a group, noting the tattered dress and dejected demeanor of the men, and the worn and bespattered condition of the horses, and not aware that the best blood of Tennessee flowed in the veins of those ragged men and those jaded horses, began a series of

taunts and jeers. The blood of the Confederates rushed to their faces. Spontaneously, they rose erect in their saddles, and instinctively their hands sought the places where their weapons used to be. But there was no need.

The Federal soldiers, with one impulse, rose against the miscreants who had offered the insults, and silenced them in shame. They crowded around the Confederate column with outstretched hands and expressions of warmth and praise. All discipline was laid aside. The late foemen mingled as brothers, and parted with sentiments which only the brave can feel. This incident had a great effect upon the Confederate soldiers, and they continued the journey with revived spirits and brighter anticipations for the future.

CHAPTER XXXIX.

TENNESSEANS IN OTHER STATES.

424. In Mississippi.—When it became necessary to defend the Mississippi River, some of the best Tennessee troops were assigned to that duty, although their services were badly needed at home. The brigade of Gen. John C. Vaughn did valiant service at Chickasaw Bayou. In the repulse of Sherman at that point, December 29, 1862, the able and distinguished commander of the Confederate forces, Gen. Stephen D. Lee, warmly testified that this brigade had contributed largely to his victory. Another brigade, under General Gregg, gained great distinction at Raymond, May 12, 1863. The brigades of Gen. A. W. Reynolds, and of Gen. John C. Vaughn, rendered eminent service in the Vicksburg campaign. The First Tennessee Heavy Artillery, under Col. Andrew Jackson, Jr., sustained the brunt of the fight in the siege of Port Hudson, Louisiana.

425. Tennessee Troops in Virginia.—In July, 1861, the brigade of Gen. Daniel S. Donelson, and the brigade of Gen. Samuel R. Anderson, marched into Virginia, and served in the Cheat Mountain campaign under Gen. Robert E. Lee. Subsequently, Donelson's Brigade was sent into South Carolina, and Anderson's brigade, January 1, 1862, became a part of the command of Stonewall Jackson, and served under him with distinction. February 13th, the First Tennessee regiment, under Col. George Maney, was ordered to Tennessee. This regiment

became famous in the western army. After the promotion of Colonel Maney to Brigadier General, it was commanded by Col. Hume R. Field, who won the title of "the bravest of the brave."

The remainder of the brigade, serving, successively, under General Anderson, Gen. Robert Hatton, Gen. J. J. Archer, Gen. H. H. Walker, and Gen. William McComb, participated in all the campaigns of the Army of Northern Virginia, and maintained a reputation second to that of no brigade which followed the great commander, Robert E. Lee. This brigade gained especial distinction in Pickett's famous charge at Gettysburg, and in the defense of "the angle," near Spottsylvania Court House. In this battle, Lieut. F. S. Harris, commanding the sharpshooters, was commended for gallantry.

The brigade, commanded by Gen. Bushrod R. Johnson, served with distinction in the Southwest, and was engaged in the battle of Chickamauga, and in the siege of Knoxville. Retiring with Longstreet into Virginia, this brigade subsequently participated in the battle of Drewry's Bluff, May 16, 1864. In this battle, the brigade won for itself high reputation, and for its commander, promotion to the rank of Major General.

The command devolved on Col. John S. Fulton. During the operations around Petersburg, a Tennessean, Lieut. F. M. Kelso, accomplished one of the most remarkable feats of the war. With seventeen men, he made a bold movement, and captured a Federal force of over four hundred men, with the flags of three regiments. June 30th, Col. Fulton was killed, and the command devolved on Col. John M. Hughes. The brigade took conspicuous part in the famous battle of "the crater," July 30th.

Early in 1865, all the Tennessee troops remaining with General Lee's army were united in one brigade under the command of Brigadier General William McComb. The consolidated Tennessee brigade was actively engaged in battle nearly every day, and bore an honorable part in the last battle of the Army of Northern Virginia. It was included in the troops surrendered by General Lee, at Appomattox Court House, April 9, 1865, having attained undying fame.

Dibrell's brigade, formerly a part of "Forrest's Cavalry," serving with Wheeler after the Battle of Chickamauga, accompanied Gen. Joseph E. Johnston in the despairing campaign against Sherman. In this campaign, General Dibrell and Colonel Baxter Smith gained great reputation.

CHAPTER XL.

TENNESSEE'S RECORD IN THE WAR.

426. The Volunteer State.—In the Confederate War, Tennessee fully maintained her title as the "Volunteer State." It was demonstrated that, though her people might be divided in sentiment, they were ready, on their respective sides, to fight for their principles through victory and defeat, in prosperity and in adversity. To the Confederate side, Tennessee furnished more than 115,000 volunteers. On the Federal side, more than 31,000 volunteers were enlisted in Tennessee organizations, and more than 7,000 were enlisted in Kentucky organizations, making a total of 153,000 troops in the two armies, furnished by Tennessee.

It is impossible to determine with any accuracy the number of colored troops enlisted from Tennessee, for the reason that they were not formed into State organizations, but enlisted in the service of the United States direct, and no record was kept of their State residence. It is estimated that the enlistment of colored troops from Tennessee amounted to about 17,770.¹

427. Battles in the State.—According to some authorities, 408 battles were fought in the State. Others place the number at 296. Phisterer's Statistical Record enumerates 298 battles. The list given in Volume XII of the Confederate Military History, pp. 453 to 468, is compiled from official sources, and names each battle and skirmish, with location and date. This list enumerates 774 battles and skirmishes. The difference between the authorities arises from the different methods of counting. Some include small skirmishes which are not counted by others. All agree that the battles of Tennessee are next in number to the battles of Virginia. But the battles fought in their own State were not all in which Tennessee troops were engaged.

428. Admiral David Glasgow Farragut, the illustrious hero of the Federal navy, was born in Knox County, Tennessee, July 5, 1801. His father, George Farragut, was a Spaniard of unmixed blood, whose

¹ Confederate Military History, Vol. VIII — Tennessee — by James D. Porter, p. 254; Report of James P. Brownlow, Adjutant General, 1866, p. 9.

FEDERAL MILITARY LEADERS.



ADMIRAL DAVID G. FARRAGUT.



MAJ.-GEN. SAMUEL P. CARTER.



MAJ.-GEN. ALVAN C. GILLEM.



MAJ.-GEN. JOSEPH A. COOPER.

CONFEDERATE LEADERS.*



LIEUT.-GEN. A. P. STEWART.



LIEUT.-GEN. N. B. FORREST.

COMMODORE
MATTHEW F. MAURY.

MAJ.-GEN. B. F. CHEATHAM.



MAJ.-GEN. J. P. MCCOWN.

*The portraits of Maj.-Gens. John C. Brown and William B. Bate are at the heads of their respective administrations as Governors of Tennessee.

CONFEDERATE LEADERS.



MAJ.-GEN. D. S. DONELSON.



MAJ.-GEN. C. M. WILCOX.



PRIVATE SAM DAVIS.



MAJ.-GEN. B. R. JOHNSON.



MAJ.-GEN. W. Y. C. HUMES.

ancestor, Don Pedro Farragut, had been distinguished under King James I, of Arragon, in the wars against the Moors. George Farragut was born on the island of Minorca, September 29, 1755, which island had come under the dominion of Great Britain, and he thus became a British subject. He emigrated to America in March, 1776, and subsequently became one of the Tennessee pioneers, and was commissioned as Major of the Cavalry Regiment of Washington District, by Governor Blount, November 3, 1790, and subsequently became an intimate friend of Gen. Andrew Jackson. David Farragut entered the United States Navy as a midshipman when only nine years old. He gained distinction in the war of 1812, and subsequently, in a cruise under Commodore Porter, against the pirates. In 1855, he was commissioned captain in the navy. When the Civil War broke out, he was residing in Norfolk, Virginia. He took the part of the Union, and became the most famous of the commanders in the Federal navy. December 21, 1864, he was appointed Vice-Admiral. July 25, 1866, he was appointed to the newly created office of Admiral. He died at Portsmouth, New Hampshire, August 14, 1870.²

429. Federal Army Leaders.—The officers from Tennessee of high rank in the United States Army were:

MAJOR GENERALS BY BREVET — Samuel P. Carter, Alvan C. Gillem, Joseph A. Cooper. These officers held the regular rank of Brigadier General. In addition to these were the following:

BRIGADIER GENERALS — Andrew Johnson, William B. Campbell, James G. Spears.

BRIGADIER GENERALS BY BREVET — James P. Brownlow, George Spalding, William J. Smith.

430. The Confederate Leaders.—The officers from Tennessee of high rank were:

LIEUTENANT GENERALS — Alexander P. Stewart and Nathan Bedford Forrest.

MAJOR GENERALS — Benjamin Franklin Cheatham, John Porter McCown, Daniel S. Donelson, Cadmus M. Wilcox, William Brimage Bate, Bushrod R. Johnson, John Calvin Brown, W. Y. C. Humes.

² American Historical Magazine, Vol. II, p. 229; National Cyclopaedia of American Biography, Vol. II, p. 97; Life of Admiral Farragut, by Capt. A. T. Mahon, U. S. Navy.

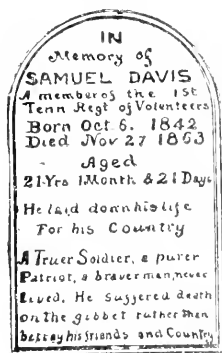
[NOTE TO TEACHERS.—The long list of Brigadier Generals includes some of the most honored names in Tennessee. It is given below for reference, and is placed in the text in preference to an appendix. The pupils should not be required to memorize the list.]

BRIGADIER GENERALS.

John Adams. ³	Robert Hatton. ⁴	James E. Rains. ⁵
Samuel R. Anderson.	Benjamin J. Hill.	Preston Smith.
Frank C. Armstrong.	Alfred E. Jackson.	Thomas Benton Smith.
Tyree H. Bell.	William H. Jackson.	Oscar F. Strahl. ⁶
Alexander W. Campbell.	William McComb.	Robert C. Tyler. ⁶
William H. Carroll.	George Maney.	Alfred J. Vaughan.
John C. Carter. ³	Joseph B. Palmer.	John C. Vaughn.
H. B. Davidson.	Gideon J. Pillow.	Lucius M. Walker. ⁷
George G. Dibrell.	Lucius E. Polk.	Marcus J. Wright.
John W. Frazer.	William A. Quarles.	Felix K. Zollicoffer. ⁸
George W. Gordon.		

431. The Confederate Privates.—History has not room on her page to record the names of the great body of soldiers. It has, however, recorded that their heroism has never been surpassed in the annals of warfare, and it names a few, who, like Forrest, rose from the ranks to high command, and a few others, who, like Sam Davis, displayed qualities which touched the world with sympathy and admiration.

A few steps from the home of his boyhood, in Rutherford County, Tennessee, rest the remains of the gallant youth, whose tombstone bears the simple inscription here represented, but whose prouder epitaph is written on the brightest page of history. Condemned as a spy, offered liberty and rewards if he would betray the friend who furnished him information, he replied, "If I had a thousand lives, I would give them all before I would betray a friend." Calmly, without fear, without excitement, the noble boy met his fate. No friend was near to sustain his resolution, or to bear testimony to his heroism. The enemies who surrounded him were touched with pity and admiration, and have given the generous testi-



³ Killed at Franklin, November 30, 1864.

⁴ Killed at Seven Pines, Va., May 31, 1862.

⁵ Killed at Murfreesboro, December 31, 1862.

⁶ Killed at Fort Tyler, Ga., April 16, 1865.

⁷ Killed in duel, 1863.

⁸ Killed at Fishing Creek, January 19, 1862.

mony which places his name high on the roll of fame, as the hero of honor and duty, and the type of the Confederate soldier.⁹

432. Tennesseans in the Confederate Navy.—The most illustrious Tennessean in the Confederate navy was the world-renowned Matthew Fontaine Maury. A native of Virginia, he removed while yet a child to Tennessee. When nineteen years of age, he entered the navy from Tennessee. His reputation was gained before the war, and he was recognized as the greatest of naval scientists. At the beginning of the war, Commodore Maury resigned, and entered the Confederate navy, where his services were employed more in scientific construction than in battle.

The following Tennesseans were graduates of the United States Naval Academy, served in the United States navy previous to the war, and subsequently became distinguished in the Confederate service:

Lieutenants George W. Gift, John W. Dunnington, W. P. A. Campbell, Thomas Kennedy Porter, A. D. Wharton, George A. Howard, W. W. Carnes, Dabney Minor Scales. In addition to these, two other Tennesseans gained distinction as naval officers — Lieutenants Henry Melvil Doak and John F. Wheless.

CHAPTER XLI.

RECONSTRUCTION.

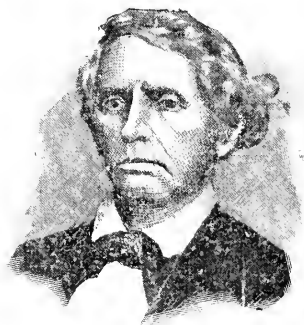
433. Steps to Organize Civil Government.—After the retreat of Hood's army, the most sanguine Confederate was convinced that Tennessee would never again be permanently occupied by Confederate troops, and many citizens of Confederate sympathy felt it to be their duty to coöperate in the restoration of civil government. Nothing now prevented Governor Johnson from resuming his measures of reconstruction. The Union convention, whose meeting had been postponed, reassembled January 9, 1865, at Nashville. This was a peculiar convention, originating from a party organization, and without any definite basis of representation. It proceeded, however, under the exigencies of the situation, to assume the work of reorganization.

434. The Constitutional Amendments.—The convention proposed two amendments to the Constitution of the State; the first, abolishing

⁹American Historical Magazine, Vol. IV, pp. 195-207, July, 1899.

slavery, and the second, prohibiting the General Assembly from making laws recognizing the right of property in man. The schedule proposed repealed Section 31 of the Constitution, the Ordinance of Secession, and the League with the Confederate States, declared void all acts of the Harris government since May 6, 1861, ratified the acts of Governor Johnson, provided for an election February 22d, at which the people should vote on the ratification of the proposed amendments and schedule, and another election March 4th, for the choice of a Governor and General Assembly. A resolution was adopted, requiring all who voted on the amendments to take the "iron-clad oath." The elections were held. The amendments were ratified, and W. G. Brownlow was elected Governor.

435. Governor Brownlow.—March 4th, the day of the election, Governor Johnson was inaugurated as Vice-President of the United States, and there was an interregnum in Tennessee. The Legislature assembled on the first Monday in April, and unanimously ratified the thirteenth amendment to the Federal Constitution. Governor Brownlow was inaugurated April 5th, and Tennessee was again under civil government. The paroled Confederate soldiers now returned home, and, if allowed to vote, would soon be the controlling factor in the State government.



GOV. W. G. BROWNLOW.

436. The Factions of the Union Party.—The Confederate soldiers, dejected and disfranchised, showed at first but little disposition to mingle in politics. Governor Brownlow and the Radical majority in the Legislature, however, seemed to apprehend danger from them. A series of enactments speedily followed, which were strongly opposed by the Conservative wing of the Union party, and which led to sentiments of animosity more bitter than the feelings engendered by the war. Happily, these feelings have passed away. Mutual confidence and kindly sentiment have taken the place of anger and distrust. Not participating in the passions of that day, we can not, if we would, omit the recital of this painful period of our history. Reason and justice pointed out, in 1865, the true lesson which experience demonstrated later — that conciliation was the logical and necessary result. Had the parties of that day been able to look into the future as clearly as we can look back

upon the past, much irritation, anxiety, and conflict would have been saved to the people of the State. But it required the assuaging hand of time to still the passions, and the logic of events to reach the conclusion.

437. Legislation.—The Legislature was in session when President Lincoln was assassinated, April 14th. This deplorable event exasperated the Union men and strengthened the Radical wing. At the same time, it deprived the Confederates of a powerful and magnanimous friend. The Legislature proceeded at once to pass severe laws. One of these laws practically disfranchised all persons except those who had always been unconditional Union men.

Another law prescribed penalties for any person who should be convicted of uttering any seditious word or speech or writing against the State or Federal government. Another law empowered the sheriff of each county to establish a patrol of twenty-five men, and to summon, as a posse, an unlimited number of loyal men. A reward of \$5,000 was offered for the apprehension of Governor Harris. Among many remarkable bills offered, but which failed to pass, was a bill to require women to take an oath of allegiance to the United States, before they could obtain marriage license. Governor Brownlow followed these legislative enactments by a series of proclamations, which aroused the indignation of the Confederate sympathizers.

438. The Second Session of the Legislature.—The second session of the Legislature was stormy. The breach between the two wings had passed beyond the stage of reconciliation. The Radicals proposed an amended franchise bill, which would exclude from voting, not only Confederate sympathizers, but many Union men. The Conservatives opposed this bill at every stage of progress, and delayed its passage by a bold stratagem. Twenty-one members resigned, and thus broke the quorum. An election was held to fill the vacancies, a quorum was declared, and the bill became a law, May 3, 1866. Just before its passage, May 1st, a serious riot occurred in Memphis between the whites and blacks. This led to the passage of the Metropolitan Police law, May 14th. While intended for Memphis, this law, also, applied to Nashville and Chattanooga. Not only restrictive laws, but unnecessary and irritating resolutions were passed, among others, a resolution that "Jefferson Davis and his accomplices have justly forfeited their lives." The Legislature adjourned May 28th. At the extra session of this Legislature, July, 1866, the question of quorum was renewed. Mr. Williams, of Carter County, was arrested and confined in the Capitol.

Upon application to Judge Frazier, Williams was ordered to be released, upon *habeas corpus*. The Legislature refused to acknowledge the authority of the Court, and Williams was held in arrest and counted present. Subsequently, Judge Frazier was impeached for his action, and convicted. Later, when the Conservatives came into power, the disabilities of Judge Frazier were removed. The Fourteenth amendment to the Federal Constitution was ratified and a resolution was passed petitioning Congress for the admission of Tennessee into the Union.

439. Tennessee Admitted to the Union.— July 23, 1866, Andrew Johnson, President of the United States, had the satisfaction to sign the bill which had passed both houses of Congress, reādmittng Tennessee into the Union. The restoration of Tennessee had been the cherished object of his ambition during his administration as Military Governor. It was reserved to crown his Presidential administration.

440. Relations of Tennessee to the Union.— From its earliest history, the relations of Tennessee to the Union have been peculiar. Her earliest settlers founded independent governments in the wilderness, with no State or Federal connections, until North Carolina asserted jurisdiction, on the petition of the independent settlers. When ceded by North Carolina to the United States, in 1790, her people furnished the only instance of any large body of people who were reduced from the condition of citizens of a State to that of inhabitants of a Territory. She was the first State formed from Federal Territory. She abrogated her territorial government, and performed all the functions of statehood, nearly three months before receiving the consent of Congress. She was the last of the Confederate States to secede, and the first to be reādmitted.

Her relations to slavery were peculiar. She was the only one of the seceded States to abolish slavery by her own act. The Cession Act of North Carolina provided, "that no regulations made or to be made by Congress shall tend to emancipate slaves." In accepting the cession, the United States was bound by this condition. Whether this consideration influenced President Lincoln in issuing his Emancipation Proclamation, does not seem to be positively known. The fact is, however, that Tennessee is not named in the Proclamation.

From the beginning of the slavery agitation, there was a strong abolition party in Tennessee. Many petitions were presented to the Legislature and bills looking to emancipation were offered and debated. April 30, 1820, the *Emancipator*, the first abolition journal in the United

States, was published by Elihu Embree, at Jonesboro. Slavery was abolished in Tennessee by the vote of the people, February 22, 1865, ratifying the amendments to the State Constitution, which amendments were re-ordained in the Constitution of 1870.

441. Bitterness Increases.—Tennessee was now again a State of the Union, but its reconstruction was not complete. Far-seeing statesmen knew that no government in this country could rest on a stable foundation as long as a majority of its people are disfranchised. The contest over the elective franchise was yet to come, and was the most bitter of all the contests.

The Legislature assembled November 5, 1866, and continued in session until March 11, 1867. At this session was passed an act which was wise and patriotic, and which reflects honor upon its framers. This was the Act for the Maintenance of Common Schools. This was the only wise act of this partisan Legislature.

The *Omnibus* bill, "to issue State bonds to railroads," largely increased the public debt, and led to disastrous results. The act to "disfranchise all who had fought on the Confederate side during the Civil War of the Rebellion," was but a continuation of the former policy. The act to confer on negroes the right of suffrage was expected, and was but a logical sequence of the Fourteenth amendment, soon to be enforced by the adoption of the Fifteenth amendment. The act which caused the Confederates the most profound alarm and irritation was the act which became known as "Brownlow's Militia Law."

Under the militia law, Governor Brownlow organized a body of troops, designated as the "State Guard," composed largely of negroes, and subject to the orders of the Governor, to be used in such manner as he might think necessary. The purpose of the Radical party was plainly demonstrated—the permanent disfranchisement of the Confederates.

442. Governor Brownlow's Second Administration.—Hon. Emerson Etheridge was nominated by the Conservative Union party, in a convention held at Nashville, April 16, 1867, as a candidate for Governor against Brownlow. When Governor Brownlow issued his proclamation, July 1st, giving notice that the State Guard would be stationed in "rebellious localities to enforce the franchise law," the Conservatives withdrew their candidate, and Brownlow was reelected by 50,000 majority.

443. Secret Orders.—Public sentiment had now reached a point in which partisans on either side were incensed to a degree which led to

mutual recrimination and to some acts of violence. Two remarkable organizations came prominently into notice. Such organizations could exist only in times of disorder and mutual distrust. Both, claiming to be originally social orders, were converted into partisan organizations.

444. The Loyal League.—This order was composed mainly of negroes. It was a secret, oath-bound association. Whatever may have been its origin, it became a partisan Union organization. The negroes, by disposition, are, undoubtedly, the most docile of all the races, and would never originate any widely diffused order for purposes of cruelty and violence. The white people of the South had for many years been intimately associated with the negro, and knew his characteristics. Since the emancipation, however, the old ties had been broken, and the negroes had formed new associations. It was charged that they were led by designing white men. This association was popularly regarded as a menace to the safety of society. While the mass of the negroes were undoubtedly peaceful, yet a few of them were guilty of outrages, and these outrages, exaggerated by rumor, were attributed to the Loyal League.

445. The Origin of the Ku Klux Klan.—This society was formed in Pulaski in the summer of 1866. It was organized by young men who had returned from the Confederate army, and was intended for the amusement afforded by initiating novices with grotesque and mysterious ceremonies. Its place of meeting, in an old residence which had been dismantled by a storm, and was regarded by the negroes as haunted, first brought it into notice. Its peculiar name and fantastic costumes, together with the secrecy and mystery of its movements, excited curiosity and impressed the negroes with awe.

A local incident served to change the character of the Ku Klux Klan. An old negro, living near Pulaski, was accused of petty offenses. The Klan visited his house at night, and summoning him to the door, one of the disguised visitors requested a drink of water. A gourd was presented him, which the visitor declined, stating that he was very thirsty, and desired the bucket. When this was handed him, he drained it to the bottom, appearing to drink, but really pouring the water into a false mouth hidden under his mask, and connected with a large bag concealed about his person. After emptying several buckets, he remarked that it was his first good drink since he was killed at Murfreesboro. After other similar feats, the Grand Cyclops whistled, and one of the visitors desired to shake hands before leaving. The old negro

extended his hand and grasped, in return, a skeleton hand. Thoroughly alarmed, he drew back in terror. The Grand Cyclops then recounted to him a list of his peccadillos, and warned him to desist, promising to visit him again on his return from the cemetery at Franklin. This admonition had a happy effect, and the joke was too good to be kept secret. The hint was taken up, and Klans were formed in neighboring towns. The Ku Klux spread rapidly over Tennessee and other Southern States. Thus, the Ku Klux were drawn into their dangerous partisan career.

446. The Ku Klux Organize.—The gradual development of the Ku Klux into a band of regulators was unpremeditated and irregular, but the time had arrived when they determined to adopt an effective organization. In the summer of 1867, they met in secret convention in Nashville, in the midst of hostile State and Federal authorities. Yet, they so adroitly conducted their meeting as to avoid detection, or even suspicion. At this convention, a written constitution, designated as "the prescript," was formulated, secretly printed, and distributed through the Klan. This prescript established a secret, oath-bound organization, sworn to obey the orders of the chief officer, designated the "Grand Wizard." The Ku Klux Klan now became avowedly a partisan organization. Still preserving its mystery and disguise, its officers issued public addresses in the newspapers, and the Klan made public parades in the open day, and seemed to court publicity for its operations, but skillfully concealed the identity of its members.

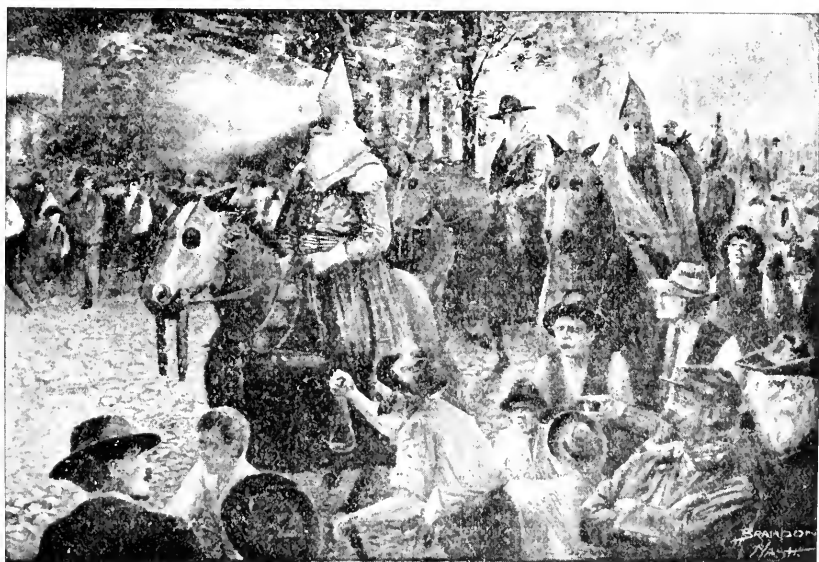
Their skill in avoiding detection was exemplified in the famous parade at Pulaski on the night of July 4, 1867. Public notice had been given in the newspapers and by circulars that the Ku Klux Klan would parade in force on that night. An immense crowd of citizens gathered to witness the mysterious demonstration. The enemies of the Klan thought this a favorable opportunity to detect the participants. Detectives were placed along the roads leading into the city to discover the points of gathering, and to note those who went to the places of *rendezvous*, also to follow them after the parade to the points of dispersing. Not a gathering place was discovered, and not a man was traced to the *rendezvous*. Suddenly skyrocketers were sent up on all the roads leading into town. Detachments of mounted men, fully organized, disguised by light-colored masks, and enveloped in flowing gowns of flashy hues, in which red was the predominating color, rode into the town and met on the public square.

The detectives who had been stationed on the streets to note what young men of the town were absent, were equally unfortunate. All

the young men, and especially those who were suspected, were conspicuous on the streets, seemingly intent on solving this Ku Klux mystery.

At the head of the long procession rode the leader, who appeared to be immensely tall. He wore a high, conical-shaped hat, near the top of which gleamed a flashing light, which looked like an eye. Not a weapon of any kind was visible. Orders were communicated by shrill whistles. Absolute and solemn silence was preserved, which was broken only once during the parade.

A prominent Union man, well known for his denunciations of the Klan, took post on the public square for the purpose of recognizing the horses. It was said that he knew every horse in the county. But the



KU KLUX PARADE.

horses were as completely disguised as the men. He had failed to identify a single horse, when suddenly one of the Ku Klux equestrians rode up to the place where he was standing, addressed him by name, and asked, "Do you know the horse that I am riding?" "No, sir," was the reply. Great was his surprise, when the Ku Klux cavalier, dismounting, threw off the disguise from the horse and disclosed to the astonished investigator *his own horse*, which he had ridden to town about two hours before. Then every whistle was sounded in the long Ku Klux line. Unearthly laughter, shrieks, and demoniac yells rent the air.

Before the astonished Union man could recover from his bewilderment, the Ku Klux rider had remounted and disappeared. Hurrying to the place where he had left his horse, he received a second surprise to find him standing quietly in the stable where he had fastened him.

After parading through the principal streets, the Klans dispersed as mysteriously as they had gathered, and not a trace could be found of "whither they went."

447. Anti-Ku Klux Law.— July, 1868, Governor Brownlow called the Legislature in extra session, stating in the call, "Rebellious elements in the State are secretly assuming and perfecting a military organization, known as the Ku Klux Klan, with an eye to overthrow the State government." The Legislature enacted a law making membership, or participation with the Ku Klux, a felony, punishable by fine and imprisonment. The Governor was empowered to reorganize and increase the State Guard, and to declare martial law in any county, at his discretion. Governor Brownlow promptly declared martial law in several counties, and instituted every agency in his power to suppress the Ku Klux, and to detect and punish its members. Yet, so secretly were its affairs conducted, that no member of the order was ever convicted in Tennessee.¹ February 20, 1869, Governor Brownlow, having been elected United States Senator, resigned as Governor, and Hon. D. W. C. Senter, Speaker of the Senate, became Governor of Tennessee.

CHAPTER XLII.

SENDER'S ADMINISTRATION.

448. The Ku Klux Disband.— Governor Senter adopted a more liberal policy than his predecessor. Among the first fruits of his administration was the disbandment of the Ku Klux Klan, and the restoration of public confidence in law and order. In March, 1869, the Grand Wizard issued his edict, terminating the existence of the Klan. This edict recited that the Klan had accomplished the purposes for which it was instituted, that it had afforded protection to many firesides, when all the better elements of society were in dread for the safety of their property, persons, and families; that the time had now arrived when the services of the Klan were no longer needed. They were ordered, therefore, to burn all regalia, and evidences of their existence, and to

¹ Wilson and Lester's "Ku Klux Klan"; Report of Investigating Committee of Congress; Report of Investigating Committee of Tennessee Legislature.

quietly disband. This edict terminated the existence of the Klan. Says the historian: "Thus lived, so died, this strange order. Its birth was an accident; its growth a comedy; its death a tragedy. There never was, before or since, a period of our history when such an order could have lived. May there never be again."

449. Irritation Allayed.—Although the organized existence of the Ku Klux was terminated in 1869, yet its name continued to be used by unknown organizations, and "Ku Klux outrages" were reported in the newspapers as late as 1872. Simultaneous with the disbandment of the Ku Klux was the disappearance of demonstrations from the Loyal League, and soon afterwards came the dismissal of the "State Guard."



GOV. D. W. C. SENTER.

450. Governor Senter Reëlected.—In 1869, Governor Senter was a candidate for reëlection. He was opposed by Col. W. B. Stokes. The Republican convention failing to agree, the Radical wing nominated Stokes, and the Conservative wing nominated Senter. The Confederates tendered their support to Governor Senter, if they should be allowed to vote. This privilege was granted, and Senter was elected by the largest majority ever given a candidate for governor.

451. A Democratic Legislature.—Thus, the Confederate element, led by Gen. John C. Brown, regained control of the State. The Legislature met October 4, 1869, and was Democratic in both branches. Steps were taken to undo so much of the legislation of recent years as was especially obnoxious to the Conservatives and Democrats.

The most important act of this Legislature was the "Act to authorize the people to call a convention." It was expressly provided, "that every male person not convicted and rendered infamous for crime, of the age of twenty-one years, being a citizen of the United States, and of the county where he may offer his vote," shall be allowed to vote; "and no certificate or other qualification than the foregoing, shall be required by the judges holding said election." The elective franchise was restored, so far as the Legislature could restore it. The rest must be done by a new Constitution. The election resulted in a majority of 40,500 in favor of holding a convention.

452. The Constitutional Convention of 1870.—This distinguished body convened at Nashville, January 10, 1870. It was recognized

throughout the State that this convention had a solemn and delicate duty to perform. It was the purpose of the people to select the wisest and best men. Among the members were many venerable patriots, who came from retirement to serve their country in this crisis. There was, also, among its members a younger class of vigorous men, on whose wisdom and firmness the State was beginning to rely. Altogether, it was one of the most distinguished bodies that ever assembled in Tennessee. The convention was called to order by the distinguished jurist and future Chief Justice, Hon. A. O. P. Nicholson, who was present as delegate from the counties of Williamson, Maury, and Lewis. On the motion of Mr. Nicholson, Mr. Bolling Gordon, of Hickman County, the only delegate who had been a member of the Constitutional Convention of 1834, was made temporary president. Hon. John C. Brown,¹ delegate from the counties of Lincoln, Marshall, and Giles, was unanimously elected permanent president, an office which only two other citizens have held.

The distinguished citizen who was elected to this responsible position belonged to the younger class of members, and had risen to prominence during the Civil War, at the close of which he held the rank of Major General in the Confederate army. He was a brother of Hon. Neill S. Brown, one of the delegates of Davidson County, and formerly Governor of the State. He was a typical soldier, and had acquired a high reputation for bravery and military ability. Since the close of the war, he had devoted himself to the practice of the law, and had risen to the head of his profession in the State. He was universally admired and beloved.

453. Accepting the Issues of the War.—The temper of the Convention was admirable, its wisdom was salutary, and its patriotism was exemplary. It was a Democratic body, of which the Confederates were the dominant factor. Its real object is so clearly stated by Hon. Joshua W. Caldwell, in his "Constitutional History of Tennessee," that his words are here quoted: "The truth is, that the convention was a political expedient, designed to restore to citizenship and to the mastery of affairs, the majority of the white voters of the State, who had been disfranchised by the minority party which the war had placed in power."

¹ See "Journal of Proceedings of the Convention of Delegates, Elected by the People of Tennessee, to Amend, Revise, or Form and Make a New Constitution for the State, Assembled in the City of Nashville, January 10, 1870."

The Democrats, also, had another distinct purpose in view — to accept, by their own act, the results of the war. These purposes were accomplished firmly and quietly, with no effort at recrimination or retaliation. A single instance will serve for illustration. The Democrats had maintained that the amendments to the State Constitution in 1865, were not legally adopted, because the convention which framed them was not a legal convention, and the election which ratified them was not a legal election. Vindictive partisanship and party pride would have prompted them to repudiate and repeal these amendments. Wisdom and patriotism suggested a different course. The issue was avoided, by ignoring the question of the validity of the amendments. It was decided to frame an entirely new Constitution. This plan afforded the opportunity to accept the issues of the war, as an act of the Democrats.

Surrendering the convictions of a lifetime, they incorporated into the new Constitution the substance of the Brownlow amendments, and even went further. They applied to Tennessee the substance of the Fifteenth amendment to the Federal Constitution nearly two months before the amendment was ratified and proclaimed. Thus, the issues of the war were accepted: First, by ordaining the abolition of slavery; second, by prohibiting the Legislature from enacting hereafter any law recognizing the right of property in man; third, by so extending the elective franchise as to include negroes.

454. Restrictive Provisions.—The convention next turned its attention to the construction of constitutional bulwarks to prevent the recurrence of legislation which was obnoxious to the ideas of the Conservatives and Democrats.

First, the right to hold office and to vote was secured to every male citizen of the State over twenty-one years of age, who had the proper qualifications of residence, etc. Political tests were prohibited, except an oath to support the Constitution of the United States, and of the State, as a qualification for office. Second, according to Democratic ideas, the prerogatives of the governor were too great, and had been used during the early periods of reconstruction to an extent which was dangerous to liberty. Provisions were, therefore, made which restricted the governor's powers. Among other provisions, he was prohibited from calling out the militia unless authorized to do so by the Legislature. In this, the convention went too far, as was demonstrated later, in the insurrection of the miners. Third, the large increase in the public debt, made during the "Reconstruction Period," had so much alarmed the

people as to cause a revulsion of sentiment towards loaning the credit of the State for any purpose. Thus, the long-continued policy of aiding internal improvements was brought to an abrupt termination by the following constitutional prohibition:

"The credit of this State shall not be hereafter loaned or given to or in aid of any person, association, company, corporation, or municipality; nor shall the State become the owner, in whole or in part, of any bank, or a stockholder with others in any association, company, corporation, or municipality."

The balance of the Constitution consists mainly of a revision of the Constitution of 1834, with a few changes of greater or less importance, which may be traced in the annotations of the Constitution in the Appendix to this book.

455. The Constitution Goes into Effect.—The Constitution was ratified by the people, March 26, 1870, by a vote of 98,128 to 33,872. May 9th, the Legislature met for the purpose of enacting the legislation necessary to carry the provisions of the Constitution into effect. Statutes were passed, defining the qualifications of voters, providing for elections, re-districting the State, etc.

At this session, a very injudicious law was passed, in reference to the public schools. The law of 1867 was unpopular in many parts of the State, and was known as the "Brownlow School Law." This law was repealed, and the maintenance of the schools was remitted to the several counties.



CHIEF JUSTICE
ALFRED O. P. NICHOLSON.

A third session of this General Assembly met December 5, 1870. Its time was devoted to the investigation of the condition of the State debt, and alleged frauds in connection with railroad and school funds. In the latter part of Senter's administration, he complained of renewed Ku Klux outrages, and applied to the Legislature for power to suppress them. This being refused, an effort was made to induce Congress to reconstruct the State. This movement, likewise, failed.

At the judicial elections, held in August, 1870, the Judges of the Supreme Court were elected. Of this court, the distinguished jurist and former Senator, Hon. Alfred O. P. Nicholson, was made Chief Justice.

CHAPTER XLIII.

*THE CONSTITUTION OF 1870 PROHIBITS STATE AID TO
INTERNAL IMPROVEMENTS.*

456. Origin of the Public Debt.— Before entering on the narration of the Democratic administrations which followed upon the adoption of the Constitution of 1870, it is well to sketch briefly the history of the Internal Improvements which had been fostered by the State, and for whose benefit the public debt was incurred, and which had, in turn, been a most important factor in promoting wealth and prosperity. The policy of aiding these improvements had been pursued imperfectly and irregularly from the early history of the State, but had been more systematic and efficient during the thirty-six years preceding the Constitution of 1870.

457. Public Roads.— The Constitution of 1834 enjoined upon the General Assembly the duty of encouraging a well-regulated system of internal improvements. The improvements which have received aid from the State are: (1) Public roads, (2) navigable waters, (3) turnpikes, and (4) railroads. Early in its history, the State had encouraged the investment of individual capital and enterprise in opening and clearing out public roads from one important settlement to another. Such, for instance, was the old Walton road, extending from Southwest Point, on the Clinch River, through the Indian reservation called the Wilderness to the Cumberland River, at the mouth of Caney Fork, where Carthage now stands.¹

In order to encourage an association of citizens to open and keep this road in repair, the Legislature, in 1801, required the governor to incorporate them under the style of the Cumberland Turnpike Company, with authority to collect tolls from the traveling public. This was the first charter of incorporation for individual profit granted by the State.

458. River Navigation.— After establishing a primitive system of public roads, the State undertook to improve transportation by removing obstructions from her rivers and extending her system of water navigation. Two especially bold enterprises were projected. One was

¹ Life of Jefferson Dillard Goodpasture, p. 11.

a scheme of Governor McMinn to unite the waters of the Tennessee and Mobile rivers, by means of a canal eleven miles in length, from the Hiwassee to the Connasauga, the latter being the only stream in the State whose waters reach the Gulf of Mexico without passing through the Mississippi River. The other was a plan advocated by Governor Cannon, in 1835, to save about four hundred miles in steamboat navigation by making a direct connection between the Tennessee and Mississippi Rivers, by means of a canal some thirty miles long, from the Tennessee to the head of navigation of the Big Hatchie. Commissioners had this route surveyed and reported to Governor Turney as late as 1893. Such were the improvements contemplated by the Legislature when, under the inspiration of the recent completion of the great New York and Pennsylvania canals, it passed the internal improvement act of 1829. Nothing of importance, however, was ever accomplished in the way of improving the water transportation of the State.

459. Turnpikes.—The invention of the macadam system of road-making gave a new direction to the improvement of transportation in the State. As early as 1829, the Legislature chartered the Franklin Turnpike Company, the first of a number of turnpikes incorporated that session. At the same time it declared the State contemplated making a turnpike on the macadam plan, from the Virginia line to the Mississippi River, provided she could obtain the adequate funds, part of which she hoped would be subscribed by the General Government.² In 1831, the Legislature authorized the investment of public school and academy funds as well as the internal improvement funds of the several counties in the stock of turnpike companies. In this way, the Nashville, Murfreesboro and Shelbyville Turnpike Company received more than \$50,000 of public funds. Under the internal improvement acts of 1835–36 and 1837–38, macadamized, graded and sanded turnpikes received \$1,402,000 of State bonds.

460. Public Attention Turned to Railroads.—In 1831, the people of Tennessee undertook the promotion of railroad construction with the greatest enthusiasm. In August, a convention was held at Abingdon for the purpose of considering the construction of a railroad from Lynchburg to Knoxville. In December, Gen. Richard G. Dunlap, Chairman of the House Committee on Internal Improvement reported favorably on the bill presented to the Legislature by the Abingdon convention. At the same session, the Memphis Railroad Company is said

²Resolution No. 21, Private Acts of 1829, p. 200.

to have been chartered;³ if so, it was the first railroad incorporated in Tennessee.

461. The Act of 1835-36.—The Legislature, in 1835-36, adopted a general plan of internal improvements. The objects to be encouraged were macadamized turnpikes, and railroad. When two-thirds of the capital stock of any such corporation was subscribed for by private parties, the State agreed to take the remaining one-third, and pay for the same in five-and-a-quarter per cent bonds. The only railroad that received State aid under this act was the Lagrange and Memphis. This road was never completed.

462. The Act of 1837-38.—In 1837-38, an act was passed increasing the proportion of stock to be taken by the State to one-half, but limiting her total liability to \$4,000,000. It was at this time that the fourth Bank of Tennessee, the greatest banking institution ever conducted in the State, was chartered, its purpose being "to raise a fund for internal improvements, and to aid in a system of education."

463. First Railroad Construction.—Through the influence of Senator James H. Reagan, of McMinn County, afterwards a distinguished citizen of Texas, the Legislature granted a charter of incorporation to the Hiwassee Railroad Company, in 1836, for the purpose of constructing a railroad from Knoxville, through the Hiwassee district, to the southern boundary of the State. The road was surveyed and ground broken in 1837, being the first work ever done on a railroad in this State. In 1848, the charter was amended and the name of the corporation changed to the East Tennessee and Georgia Railroad Company. The road was not completed until 1856.

Two years later, the East Tennessee and Virginia Railroad, from Knoxville to Bristol, was completed. The two now form the magnificent trunk line from Bristol to Chattanooga, known as the East Tennessee, Virginia and Georgia Railroad. The Hiwassee road was twenty years in building.

In the meantime, largely through the influence of Dr. James Overton, afterwards known as "Old Chattanooga," the Nashville and Chattanooga Railroad was chartered, in 1845. Under the successful management of Vernon K. Stevenson, its president, it was completed in 1853, and was the first railroad operated in Tennessee.

464. Internal Improvement Receives a Temporary Check.—In 1840, all laws authorizing the State to take stock in internal improve-

³ Phelan's History of Tennessee, p. 284.

ment companies were repealed, and the question of completing the work already begun was referred to a board of special commissioners, named for that purpose. In all cases of applications for State bonds in payment of the State subscription, after the passage of that act, the affairs of the companies making such application were subjected to a searching scrutiny, and if they had not conformed to the law, aid was denied, and the Attorney General filed bills to forfeit their charters. In this way, the State was saved a large increase in her indebtedness, and the corporations already aided put on a safer footing.⁴

465. The Act of 1852.— In 1848, an act was passed by which the State was to assume only a secondary liability as endorser of the mortgage bonds of the railroad companies. This proving unsatisfactory, the act of 1849–50 was passed, providing that the State should issue its own bonds to the company, and take title to the road to secure their payment. But this act was not sufficiently guarded.

Finally, the act of 1852 was passed, under which almost the entire State aid to railroads was granted. Under this act, when any railroad company with a *bono fide* subscription sufficient to grade, bridge, and prepare the whole extent of its main line for the iron rails, had prepared a certain extent of its roadbed, it was entitled to receive \$8,000 of the six-per-cent bonds of the State, to be used in ironing and equipping the road. These bonds were to have the force and effect of a first lien or mortgage on the road, its franchises and equipment. Under this act, with its subsequent amendments, about \$14,000,000 of bonds were issued, prior to the Civil War, making the total issue to railroads up to that time about \$15,000,000.

466. The End of State Aid to Internal Improvement Companies.— The Civil War produced great irritation in the conduct of public affairs. The Reconstruction Period was disastrous not only in fomenting sectional animosity, but also in adding largely to the public debt of the State. From April, 1866, to December, 1868, more than \$14,000,000 of bonds were issued under the acts of 1852 and 1854. The State debt at the beginning of the war was \$20,363,406.69. The Brownlow administration, just after the war, increased it, altogether, about \$21,500,000. This made a total indebtedness of \$41,863,406.69, at a time when the State was least able to pay, the assessed value of her taxable property having shrunk from \$389,000,000, in 1860, to \$225,-

⁴Message of the Governor of Tennessee to the Twenty-Fourth General Assembly of the State, Nashville, 1841.

000,000, in 1867. When the Constitutional Convention met in 1870, it concluded the long chapter of internal improvement legislation by the provision heretofore cited, which prohibited the General Assembly from loaning the credit of the State, or from becoming an owner of the stock of any company or corporation.

467. Counties and Municipalities.—Some of the counties and municipalities had heretofore pledged their credit to an extent which alarmed the prudent element of their citizenship. So jealous had public sentiment become that the convention limited the power of counties and municipalities by throwing around its exercise the following safeguard: "The credit of no county, city, or town shall be given or loaned to or in aid of any person, company, association, or corporation, except upon an election to be held by the qualified voters of such county, city, or town, and the assent of three-fourths of the votes cast at said election."⁵

⁵ See Constitution, Article II, Sections 29-31.

TOPICAL ANALYSIS OF DIVISION II.

- I. Partisan Politics — Revolt Against Jackson — Rise of the Whig Party.—
 - (a) David Crockett ; Hugh L. White ; John Bell ; Newton Cannon.
 - (b) James K. Polk ; Felix Grundy ; John Catron ; Cave Johnson.
- II. Whig Success—Cannou, Governor—White Carries State for President.
- III. Democratic Success—Polk, Governor.
- IV. Whig Success—Jones, Governor for Two Terms.
- V. Democratic Success—Polk, President—Aaron V. Brown, Governor.
 - (a) Annexation of Texas ; Mexican War ; Tennessee, the Volunteer State.
- VI. Whigs Successful Again—Neill S. Brown, Governor.
- VII. Disintegration of Whig Party—Know Nothings—Andrew Johnson, Governor.
- VIII. Isham G. Harris, Governor for Two Terms.
- IX. Secession—Tennessee Last Southern State to Secede—East Tennessee Favors Union.
- X. Provisional Army of Tennessee—Contest for Kentucky—Belmont—Fishing Creek.
- XI. Tennessee the Battle Ground—Fort Donelson—Shiloh—Andrew Johnson, Military Governor.
- XII. Cavalry Raids—Morgan—Forrest.
- XIII. Bragg Occupies Chattanooga—Invades Kentucky.
- XIV. Bragg Returns to Tennessee—Battles of Murfreesboro, Thompson's Station—Retreat to Chattanooga.
- XV. Final Contest for Tennessee—Chickamauga—Knoxville—Missionary Ridge—Tennessee Evacuated.
- XVI. Forrest—Four Raids in West Tennessee—Raid in Middle Tennessee.
- XVII. Invasion of Tennessee by General Hood—Battle of Franklin—McGavock Cemetery.
- XVIII. End of the War—Incidents of the Surrender.
- XIX. Tennessee Soldiers in Other States.
- XX. Tennessee's Record in the War.—
 - (a) Statistics ; Federal Leaders ; Confederate Leaders ; Sam Davis.
- XXI. Reconstruction—Union Conventions—Proclamations—Constitutional Amendments.
- XXII. Brownlow's Administration—Political Factions—Legislation.—
 - (a) Tennessee Admitted into the Union.
 - (b) Partisan Bitterness.
 - (c) Increase of Public Debt.
 - (d) Election Laws.
 - (e) "Brownlow's Militia."
 - (f) Loyal League.
 - (g) Ku Klux Klan.
 - (h) Public School Law.
- XXIII. Senter's Administration—Irritation Allayed—Ku Klux Disband—Militia Disband—Loyal League Disappear.—
 - (a) Senter Candidate for Re-Election ; The *Coup de Main* ; Confederates Allowed to Vote.
 - (c) Senter Re-Elected ; Democratic Legislature.
- XXIV. Constitutional Convention—Accepts Issues of War—Prohibits State Aid to Corporations—Extends Elective Franchise—Limits Powers of Executive—Ratified by People.
- XXV. Democrats Come into Power.

DIVISION III.

TENNESSEE UNDER THE CONSTITUTION OF 1870.

CHAPTER XLIV.

DEMOCRATS IN POWER—BROWN TO HAWKINS.

468. Democrats Control All Departments.—At the general election, November, 1870, Gen. John C. Brown was elected governor, with a Democratic Legislature.

469. Governor Brown's First Administration.—The previous Democratic Legislature had paved the way for the political reorganization of the State. The attention of the new administration was devoted to pressing economic questions, and especially to the State debt. The comptroller reported that the State debt reached the enormous sum of \$41,863,406.69. There were important questions relating to the railroads and the penitentiary. This Legislature continued the policy of leasing the penitentiary, and passed acts to authorize railroads to consolidate, to establish a Bureau of Immigration, and a Bureau of Agriculture, to create the offices of Superintendent of Prisons, and of State Geologist, to revise the chancery system, and to apportion the State into Senatorial, Representative, and Congressional Districts. Governor Brown was reelected to a second term of office, in 1872, with a Legislature Democratic in both branches.



GOV. JOHN C. BROWN.

470. Governor Brown's Second Administration.— In the year 1873, a severe epidemic of cholera visited the State, accompanied by an epidemic of yellow fever. The Thirty-eighth General Assembly, upon the recommendation of the governor, passed two important measures: the one, "*to establish and maintain a uniform system of public schools*"; and the other, to fund the State debt. The responsibility which Governor Brown assumed in throwing his whole influence in favor of these measures demonstrated his wisdom and courage. There was much opposition to the school law, and especially among Governor Brown's immediate supporters. It cost him, at the time, the loss of valued friends; yet, the present generation honors his memory for his unselfish bravery in establishing our present school system. This system was put into efficient operation by the State Superintendent, Hon. John M. Fleming.



HON. JOHN M. FLEMING,
Superintendent Public Instruction.

A strong opposition was, also, offered to his financial policy. In spite of this, his influence was sufficient to secure the enactments which he recommended. During his two terms, the bonded indebtedness was reduced from \$41,863,406.69, to a little over \$20,000,000; a large floating debt was liquidated; an act was passed to fund the State debt at par; the payment of interest was resumed, and the credit of the State was fully restored. Other important economic legislation was enacted. Having served two terms with distinction, Governor Brown declined to be a candidate for reelection. In 1874, Hon. James D. Porter (Democrat) was elected governor, with a Democratic Legislature, and was inaugurated January 18, 1875.



GOV. JAMES D. PORTER.

471. Governor Porter's Administration.—Governor Porter served two terms, extending from 1875 to 1879. Early in his administration, the Funding Act of 1873 was repealed. The Democratic party was divided in refer-

ence to the State debt. It was urged by one wing that a large part of the debt was fraudulent, and especially that part created during the Brownlow administration. The other wing urged that the credit of the State demanded that all debts should be paid which had been incurred by the recognized authority of the State. Governor Porter repeatedly urged upon the Legislature to make a final adjustment of the State debt, and to provide for paying the interest.

In 1877, the Legislature suspended the payment of interest on the State debt, and reduced the State tax from 40 cents to 10 cents on the \$100, and appointed a committee, consisting of John H. Savage, G. W. Martin, Jesse Arledge, W. E. Travis, and Lewis Sheppard, to confer with representatives of the bondholders. An adjustment was proposed, to the effect that the debt should be funded at the ratio of sixty cents on the dollar, and bonds given, bearing six per cent interest. An extra session of the Legislature was called to consider the proposition, which convened December 5, 1877, but failed to reach a final adjustment.

In 1877, Hon. James E. Bailey, of Clarksville, one of the ablest men of the State, was elected United States Senator. Messrs. E. E. Westbrook and Benton McMillin were appointed commissioners to negotiate with Kentucky for the purchase of the peculiarly located country included in New Madrid Bend. Kentucky, however, declined to entertain any proposition on the subject. During this administration, a number of important economic measures were adopted. Provisions were made for the organization of corporations. "The four-mile law" was passed, prohibiting the sale of intoxicating liquors within four miles of an incorporated institution of learning, except where such sale was protected by the charter of an incorporated town. In consequence of the terrible epidemic of yellow fever which prevailed in 1878, the State Board of Health was created. The powers of this Board have since been enlarged, and it has been of great benefit to the State.

Governor Porter was a warm friend of public education. The system grew in popularity under the wise supervision of Hon. Leon Trousdale. Teachers' Institutes were used as popular agencies, the State Board of Education was created, the Peabody Normal College was



HON. JAMES E. BAILEY,
United States Senator.

established, and Governor Porter was elected a member of the Peabody Board of Trust. The injudicious bill abolishing the office of County



HON. LEON TROUSDALE,
Superintendent Public Instruction.

Superintendent of Schools, after passing both Houses, was defeated by the wisdom of Governor Porter, who disposed of it by a pocket veto, by which good deed he won the esteem of all friends of education, and the gratitude of the State. Thus was defeated the last serious effort against the system of public schools. Governor Porter declined reelection at the end of his second term, and Col. A. S. Marks was elected governor.

472. The Administration of Governor Marks.—

During the two years of this administration, the State debt was the pressing issue. The Funding Act of 1873 had been repealed after bonds had been issued under it to the amount of \$6,657,000. The status of the debt was unsatisfactory and confused. The payment of interest had been suspended for several years, and the credit of the State was suffering. The Democrats were divided on the question of funding the debt. One wing favored funding the entire debt, and providing for the payment of interest. Another wing was opposed to funding the entire debt, claiming that a large portion of it was fraudulent, and that the State was unable to bear the burden. Various expedients were proposed, and every shade of opinion was expressed. Finally, a law was passed by the Legislature, providing for funding the debt at the ratio of fifty cents on the dollar in bonds bearing four per cent interest; the said law to be submitted for ratification or rejection to a vote of the people. The election was held August 7, 1879, and the proposed law, popularly styled "the 50—4 proposition," was defeated by a vote of 46,704 for "acceptance," and 75,755 for "rejection."

At the end of his term, Governor Marks declined to be a candidate for reelection. The Democratic convention for nomination of a candidate for governor was hopelessly



GOV. ALBERT S. MARKS.

divided. Hon. John V. Wright was nominated by the "State credit" wing, and Hon. S. F. Wilson by the "low tax" wing. This split in the Democratic party led to the election of Hon. Alvin Hawkins (Republican) as governor.

CHAPTER XLV.

HAWKINS TO BUCHANAN.

473. The Administration of Governor Hawkins.—An effort was made at the beginning of this administration to settle the State debt on a basis satisfactory to the bondholders. An act was passed in 1881 "to settle the State debt at one hundred cents on the dollar, and three per cent interest, and making coupons receivable for taxes." The Supreme Court declared this act unconstitutional, and the vexed question was again opened. Three extra sessions of the Legislature were held. At the third extra session an act was passed "to settle and fund the State debt into bonds at sixty cents on the dollar, with graded interest at three per



GOV. ALVIN HAWKINS.

cent for two years, four per cent for the next two years, five per cent for the next two years, and six per cent thereafter." This act was approved May 20, 1882, and bonds were issued under it to the amount of \$8,211,000. Like its predecessors, it was unsatisfactory to the people.

HON. W. S. DOAK,
Superintendent Public Instruction.

At the beginning of his administration, Governor Hawkins appointed Dr. W. S. Doak as State Superintendent of Public Instruction. Dr. Doak was a descendant of Rev. Samuel Doak, the pioneer of education in Tennessee. His useful career was closed by death in 1882. He was the only State Superintendent of Public Instruction who died in office.

Hon. G. S. W. Crawford was appointed to fill the unexpired term. He continued the policy of his predecessor. Col. Leon Trousdale had established the general State Institute at the University of Tennessee. This was the first professional institute held in the State. It supplied to the teachers a summer school of high grade, and was continued through the administrations of Dr. Doak and Prof. Crawford.



HON. G. S. W. CRAWFORD,
Superintendent Public Instruction.

The Democratic Convention, which met in June, adopted in its platform a plan for settling the State debt, and nominated Gen. William B. Bate for governor. The extreme State Credit wing of the Democratic party, known as "the Sky-Blues," nominated Hon. J. H. Fussell. The Republican Convention re-nominated Governor Alvin Hawkins. General Bate was elected.

474. The Administration of Governor Bate.—Upon the strong recommendation of the governor, the Legislature enacted a law for the funding of the State debt, which proved to be the final adjustment of the vexed question. The first part of the act consists of a preamble, setting forth the considerations which influenced the Legislature, defining the different classes of bonds, and the validity of the several classes. The act then provides for settling the "State debt proper," in full, including principal and accrued interest, except interest which accumulated during the four years of the war. The bonds issued in funding this portion of the debt were to bear interest at the rate of the original contract. The "State debt proper" included the indebtedness, the validity of which was admitted by all, and embraced nine classes of bonds, as enumerated in the act, and amounted, exclusive of interest, to \$2,118,000, as follows:



GOV. WILLIAM B. BATE.

Capitol Bonds	\$493,000 00
Hermitage Bonds	35,000 00
Agricultural Bonds	18,000 00

Union Bank Bonds	\$ 125,000 00
Bank of Tennessee Bonds.....	214,000 00
Bonds issued to Turnpike Companies.....	741,000 00
Hiwassee Railroad Bonds	280,000 00
East Tennessee and Georgia Railroad Bonds.....	144,000 00
Memphis and LaGrange Railroad Bonds.....	68,000 00
Total.....	\$2,118,000 00

It was charged that a portion of the remaining indebtedness was tainted with fraud, another portion was illegally issued, another portion was chargeable with equitable offsets. It was, therefore, provided that the remainder of the indebtedness, including principal and accrued interest, should be funded into bonds for one-half of the principal and accrued interest, said bonds to bear interest at three per cent, and to be payable in thirty years, but redeemable at the option of the State, after five years. These provisions applied to five classes of bonds, enumerated in the act, and amounted, exclusive of interest, to \$18,903,000, as follows:

Ante-war Railroad Bonds	\$8,583,000 00
Post-war Railroad Bonds	2,638,000 00
Funded under act of 1866	2,246,000 00
Funded under act of 1868	569,000 00
Funded under act of 1873 ¹	4,867,000 00
Total.....	\$18,903,000 00

The twenty-nine bonds held by the widow of James K. Polk, and all bonds held by educational, literary, and charitable institutions, on January 1, 1882, were excepted from the provisions of this act. This settlement was accepted by the bondholders, and the entire State debt was ultimately funded under the act. Supplementary acts have subsequently been passed, but the "State debt" has never since been an irritating factor in politics.

475. Economic Matters.—Under the supervision of Hon. Thomas H. Paine, the Teachers' Institutes were restored to the office of popular agencies, in which capacity they had accomplished much good under Superintendent Trousdale. They had recently been used for professional instruction. They were needed in the popular field, where

¹ Under the act of 1873, bonds had been funded to the amount of \$6,657,000. Of this amount, \$1,790,000 were included in the State debt proper, leaving \$4,867,000.

Superintendent Paine put them "on wheels," as he expressed it. They became powerful agencies in gaining for the school system the public favor, and planting the interests of education deep in the hearts of the people.



HON. THOMAS H. PAINE,
Superintendent Public Instruction.

A law was enacted to create a commission to regulate the railroads. Col. John H. Savage, J. A. Turley, and Gen. George W. Gordon were appointed to constitute the railroad commission.

476. Governor Bate's Second Term.—At the general elections in 1884, Governor Bate was reelected for a second term. In 1885, the railroad commission law was repealed. In the same year, commissioners were appointed to settle the boundary line between North Carolina and Tennessee; the law was passed to establish taxing districts of the second class, and an appropriation of \$10,000 was made for the Tennessee exhibit at the New Orleans Exposition.

April 15, 1886, the distinguished statesman and jurist, Hon. Howell E. Jackson, resigned the position of United States Senator in order to accept the position of Judge of the United States Circuit Court. This place had become vacant by the death of the able Tennessee jurist, Judge John Baxter. Governor Bate appointed Hon. W. C. Whitthorne to fill the vacancy in the Senate. In 1893, Judge Jackson was appointed by President Harrison a Justice of the Supreme Court of the United States, which position he filled with distinction until his death, August 8, 1895.

477. Governor Robert L. Taylor's Administration.—The canvass for governor in 1886 was one of the most remarkable in the history of the State. The Democratic



JUSTICE HOWELL E. JACKSON,
United States Supreme Court.

candidate, Hon. Robert L. Taylor, was known to the people under the jovial title of "Our Bob," and was the most popular stump speaker in

the State. The Republican candidate was his brother, Hon. Alfred A. Taylor, who was known as an able orator. At every point during the canvass, the people flocked to hear the "two brothers." The fame of the contest reached to the remotest parts of the Union. The Democratic candidate was elected.

There were no pressing State issues, and attention was directed to Federal politics. The most exciting State event was the vote on the constitutional amendment prohibiting the sale of intoxicating liquors, which was defeated by a vote of 117,504 in its favor to 145,197 against it.

478. Education.—In educational matters there was a marked improvement, which was especially noticeable in the increased number of high graded schools established by municipal corporations.

In 1888, Superintendent Smith called a convention of the public school officers to meet in Nashville. Similar conventions had been called by Superintendent John Eaton, in 1867, and by Superintendent John M. Fleming, in 1873, but no permanent organization had been effected in either case. Under the call of Superintendent Smith, in 1888, a permanent organization was established, styled, *The Public School Officers' Association*, which has held annual meetings ever since, and has become a valuable factor of the public school system.²

In 1889, the National Educational Association of the United States held its annual session at Nashville, and the city was thronged with educators from all parts of the United States.

The Legislature made a small appropriation for the benefit of the Tennessee Industrial School. This institution, originally founded and maintained by the munificence of Col. E. W. Cole, who subsequently donated it to the State to be



GOV. ROBERT L. TAYLOR.



HON. FRANK M. SMITH,
Superintendent Public Instruction.

² See Tennessee School Reports, for the years 1890 and 1891.

used as an institution for training wayward children to industrial pursuits. The State accepted the donation, and, beginning with a small appropriation, has steadily increased it, as the value of the institution became apparent, until it has now developed into one of the most useful institutions in the State.

479. The Hermitage Association and the Soldiers' Home.—Soon after Governor Taylor's entrance upon his second term, in 1889, the Legislature enacted the law establishing the Confederate Soldiers' Home, and the Ladies' Hermitage Association. Many years previously the State purchased the homestead tract of the Hermitage estate, consisting of five hundred acres, on which was the former residence of Gen. Andrew Jackson. Under the law of 1889, this tract was divided. The residence, with twenty-five acres, was entrusted for preservation to the care of an association of ladies, known as the "Ladies Hermitage Association," of which Mrs. Sallie M. Lindsley is now the Regent, and Mrs. Mary C. Dorris is the Secretary.

The remainder of the tract, consisting of 475 acres, was donated as a home for "maimed and disabled Confederate soldiers with honorable records." An appropriation of \$25,000 was made for the erection of suitable buildings. The management was entrusted to a board of nine trustees, appointed by the governor, upon the nomination of "The Tennessee Division of the Association of Confederate Soldiers." In 1895, the annual appropriation was increased to \$8,500, and in 1899, to \$90 for each inmate. There are now (1900) 123 inmates in the Home, which has been well managed by the Board of Trustees, of which Dr. W. J. McMurray is President, and John P. Hickman is Secretary.

480. Penitentiary Lease System and Labor Troubles.—For several years there had been serious disturbances in the mining and manufacturing sections of the United States, popularly styled "strikes," or "labor troubles." An impression prevailed among the laboring classes that the capitalists and powerful corporations were arbitrary and unjust in dealing with the laborers in their employment. Associations were formed among the laborers to resist what they considered infractions of their rights. In these "strikes," the laborers sometimes went beyond the point of lawful resistance, and laid themselves liable to the charge of insurrection.

Tennessee had been free from any serious outbreak, although mutterings had been heard ever since the adoption of the Penitentiary lease system. The laboring elements, and especially the miners, had complained that the mine owners, by leasing the Penitentiary convicts

to work in the mines, were enabled to dictate prices and terms to the free miners, and to impose upon them unjust and unlawful regulations. Notwithstanding the protest of the laboring elements, the lease system was continued.

In 1889, the Penitentiary convicts were leased to the Tennessee Coal, Iron and Railroad Company for a term of six years. This company was permitted to sub-lease the convicts for service in the various mines, and to place them under State regulations in mining camps, the lessees paying the expense of maintaining a sufficient force of guards. The miners were much incensed at this lease, and complained of it bitterly.

481. The Farmers' Alliance.— During this administration, a secret order, known as the Farmers' Alliance, came into prominence. For many years, a sentiment had been growing among the farmers that their interests had been neglected by the governments, State and federal. They organized societies, bound by a secret oath, and held meetings, to which none but their own members were admitted. A similar movement was going on among the laboring men. Finally, a union was effected among the various orders, and the organization became known by the name of the "Farmers' and Laborers' Union," but more popularly called the Farmers' Alliance. In Tennessee, this order was composed mainly of Democrats, and notably affiliated with the Democratic party.

John P. Buchanan, the President of the Farmers' Alliance, came of a sturdy family of farmers, being a descendant of Maj. John Buchanan, of pioneer fame. He had made an honorable record. He had been a private in the Confederate army, when a boy, and had acquired a reputation for bravery and faithful service. Since manhood, he had been actively engaged in farming, but had also been conspicuous as a Democratic leader, attending all the conventions, and serving as a member of the Legislature. At the Democratic convention in 1890, he was a candidate for governor. His nomination was strenuously opposed by many Democrats on the ground of his connection with an order which was bound by a secret oath, and which was charged with holding doctrines inconsistent with Democratic creed. After a prolonged contest, a compromise platform was adopted, and Mr. Buchanan was nominated as the Democratic candidate, and was elected governor by a large majority of votes.

CHAPTER XLVI.

BUCHANAN TO TAYLOR.

482. The Administration of Governor Buchanan.—The Legislature, among other important acts, adopted three measures which deserve especial mention. Two of these related to public education, and were strongly recommended by Governor Buchanan, who manifested a warm interest in education.

One of these enactments is known as the "secondary school law," which elevated the standard of the public schools, extended the school curriculum, and rendered the State the patriotic service of introducing in the public schools the study of Tennessee History and the study of Civil Government. The features of this law are more fully discussed in the chapter on education.



GOV. JOHN P. BUCHANAN.

The other enactment was the appropriation of \$1,500 per annum to provide for the expense of holding Summer Institutes for teachers. This was the first appropriation ever made by the State for the purpose, and was the beginning of the policy to which the State has wisely

adhered ever since. In this administration, the appropriation to the Peabody Normal College was increased to \$15,000.

Another act strongly recommended by Governor Buchanan was the law known as the "Confederate Pension Law." To the honor of Tennesseans, be it said, the most eloquent speeches in favor of the bill were made by Federal soldiers. Under this law, \$60,000 per annum was appropriated to provide pensions for maimed and disabled soldiers with honorable records, either Confederate or Federal, who are not entitled to draw pensions from any other State or from the United States. The act provided, "That the Comptroller, Attorney General of the State, and three ex-Confederate soldiers, to be suggested by the Tennessee Division of Confederate Veterans, appointed by the Governor

and hold their places for two years, without pay, shall constitute the Board of Pension Examiners." In 1899, the annual appropriation was increased to \$100,000. The number of pensioners on the roll in the year 1900, is 908, and the Board consists of George B. Guild, President; Frank A. Moses, George F. Hager, the Comptroller and the Attorney General. John P. Hickman is Secretary.

In this administration, the commodious building at the Confederate Soldiers' Home was completed, and provisions were made for the support of the inmates.

483. The First Insurrection of the Miners.—In his first message, Governor Buchanan recommended the building of a new penitentiary, with a view to changing the system of management, at the expiration of the existing lease. This suggestion, however, did not afford relief sufficiently speedy to allay the irritation of the miners.

Previous to July, 1891, the mines worked by convict labor were at Tracy City, Inman, Oliver Springs, and Coal Creek. The mines of the Tennessee Coal Mining Company at Briceville, Anderson County, had been operated by free labor. A quarrel had arisen between the company and its employees in reference to a "check-weighman," and the use of "scrip," which resulted in a "strike." The company thereupon leased a number of convicts, and put them at work in the mines, early in July, 1891. This brought matters to a crisis. About midnight, July 14th, a mob of three hundred armed men took possession of the stockade, overpowered the guards, and forced the warden to remove the convicts, who were carried to Knoxville. Governor Buchanan hastened to the scene of action, with two companies of militia, which had been called into service. He reached Briceville July 16th, and held a conference with the miners, in which he appealed to them to obey the laws, and seek redress for their grievances through legal means. He further assured them that the laws would be enforced at whatever cost of blood or treasure. He returned to the capitol, July 18th, having restored the convicts to the stockade prison.

484. The Second Insurrection.—Anxious over the situation, the governor directed Adjutant General Henry H. Norman, in whose judgment he reposed the highest confidence, to proceed to Briceville, and use his personal influence to prevent a renewal of unlawful acts. Before the arrival of General Norman, a mob of about one thousand armed miners had gathered at Briceville and Coal Creek, and forced the wardens to remove the convicts from the stockades. Upon receiving this intelligence, the governor called into service the State Guard, and

ordered their commander, Brigadier General Samuel T. Carnes, to proceed at once to Knoxville, and there concentrate his command. This order was issued July 20th, and so promptly executed that the entire brigade was mobilized at Knoxville, July 21st, consisting of the First Regiment, 250 men, commanded by Captain Charles Robinson; the Second Regiment, 250 men, commanded by Lieutenant Colonel A. R. Taylor; the Third Regiment, 200 men, commanded by Lieutenant Colonel J. P. Fyffe.

The governor arrived at Knoxville July 22d, and was met by a committee of miners and citizens, tendering the submission of the miners, and the agreement to refrain from further acts of violence. So far, no blood had been shed. The act of the governor in calling the State Guard into service was plainly in excess of his constitutional powers, but was necessary to maintain the authority of the State. The convicts were promptly restored to the stockades, with the usual prison guards, and the State Guard was relieved from active duty.

485. The Legislature Convenes.—The opportunity was thus afforded to convene the Legislature in extra session, which body assembled August 31st. The governor's message stated the situation, and made the following request: "I want the General Assembly to clothe me with all needful power to enable me to execute my trust faithfully."

In the same message, he recommended important amendments in the criminal laws, immediate provisions for building a new penitentiary, and for redressing some of the grievances of which the miners complained. The Legislature passed acts giving "the governor more power over the militia," for "maintaining the State Guard," and to provide for the building of a new penitentiary, with modern appliances and of capacity sufficient to accommodate 2,000 prisoners. The same act further provided for the abolition of the system of leasing the convicts at the expiration of the existing lease.¹

486. The Third Insurrection.—The miners did not consider the concessions of the Legislature sufficiently ample in character or speedy in relief, and they decided to proceed to violent measures. The extra session of the Legislature adjourned September 21st.

In a little more than a month, the insurrection was renewed. October 30th and 31st, mobs of miners again overpowered the guards at Briceville, Coal Creek, and Oliver Springs, destroyed the stockades, and turned the convicts loose. The stockades were rebuilt, and the convicts were captured and returned in December. Upon the advice

¹ See Acts and Journals, Extra Session, 1891.

of General Carnes, a special company was recruited for the purpose of guarding the three mines in revolt. January 1, 1892, this company was placed in "Fort Anderson," in the vicinity of the mines, under the command of Capt. Kellar Anderson.

487. The Fourth Insurrection.—August 13, 1892, the insurrection broke out afresh, beginning in the mines at Tracy City, in Grundy County, where an armed mob of miners forced the warden to remove the convicts. Two days later, a similar outbreak occurred at the Inman mines, in Marion County. These two mines had taken no part in the former insurrections, and no military force was stationed near them.

A few days later, an organized force of miners released the convicts at Oliver Springs. August 18, 1892, a committee from the miners waited upon Captain Anderson and demanded a surrender of the fort. Captain Anderson, seeking to pacify and dissuade them from so rash an act, left the fort, going down to Coal Creek Station, and was discussing the matter with some of the leaders, when a shot from Walden's Ridge brought on a general fire from the pickets and the fort. Captain Anderson was then taken in charge by Masonic friends and conducted to the rear hills for safety, where he was kept until four o'clock the following evening, when he was brought into the National Guard lines. The miners, in the meantime, had made an attack upon the fort, which was repulsed by the garrison, under command of Lieutenants Wenning and Fyffe.

August 17, 1892, Adjutant General Norman, under instructions from Governor Buchanan, telegraphed General Carnes to mobilize his entire brigade and proceed to Coal Creek to relieve Fort Anderson, and to suppress the insurrection.

488. The Efficient Services of General Carnes and the National Guard.—On the 18th, the Third Regiment and a posse from Knoxville under the command of Col. Cator Woolford, left the cars at Knapps, and under the cover of night marched to the top of Walden's Ridge until opposite and within a half mile of Fort Anderson. Here they lay down and waited for daylight. At dawn they were attacked by the miners and driven from the hills, with a loss of three men killed. In the meantime, General Carnes, with the First Regiment, Col. J. L. Fox, and the Second Regiment, Col. A. R. Taylor, and with the posse of one hundred and fifty men armed with Winchester rifles, reached Coal Creek about 8.30 A. M., and entered the town without opposition. Upon his approach, the miners fled and scattered.

It is estimated that there were as many as two thousand miners engaged in this attack on the fort, but the men under Carnes saw few with guns and only three dead miners. General Carnes arrested some one hundred and seventy-five men, and was very aggressive and active in restoring order. The Second Regiment was kept at Coal Creek until October 30th, 1892, when, upon the recommendation of Col. A. R. Taylor, the commander, the soldiers were sent home, leaving only the garrison at Fort Anderson. Some of the leaders in this insurrection were tried and convicted, while many sought safety in flight from the State.²

Thus ended the insurrection of the miners. The company under Capt. Kellar Anderson was retained in service, as a safeguard, until relieved from duty in 1893, by order of Governor Turney.

489. The Close of Buchanan's Administration.—During this administration, \$469,000 worth of bonds, bearing six per cent interest, were called in and discharged by the proceeds arising from the sale of fifteen-year bonds bearing four per cent interest. The breach between the Alliance and the Anti-Alliance wings of the Democratic party gradually widened. When Governor Buchanan announced himself as a candidate for reelection, he was vehemently opposed by the Anti-Alliance wing. He finally withdrew his name from consideration before the Democratic convention, and announced himself as an independent candidate. Hon. Peter Turney, at that time Chief Justice of Tennessee, was nominated by the Democratic convention; Hon. G. W. Winstead by the Republicans; and Hon. E. H. East by the Prohibition party. After an exciting and bitter contest, Hon. Peter Turney was elected.

In his retiring message to the Legislature in 1893, Governor Buchanan renewed the recommendations of his first message, in 1891, with reference to the construction of a new prison, and the abolition of the convict lease system, which he had repeated in his message to the extra session. He discussed ably and at length the several methods of prison management, which had been successful in other States. He urged that the State account system should be put into operation in Tennessee as speedily as the necessary arrangements could be made to carry it into effect.

² See Acts and Journals of Extra Session of 1891; Acts and Journals, Session of 1893; Messages of Governor Buchanan, Regular Session of 1891; Extra Session of 1891; Session of 1893; Report of Adjutant General Norman, 1891-92, pp. 10-20; Report of Gen. S. T. Carnes, in same, pp. 28-34.

490. The Administration of Governor Peter Turney.—Early in his administration, Governor Turney dismissed the State Guard from active service in the mining districts. April 4, 1893, he approved the final act of the Legislature, providing for the erection of a new penitentiary, with workshops, stockades, etc., and the purchase of farming lands and mining lands, looking to the abolition of the convict lease system.



GOV. PETER TURNEY.

Under this law, a Building and Purchasing Committee was appointed. In 1895, a permanent Prison Commission was created. In 1894, nine thousand acres of mining lands were purchased in Morgan County, known as the Brushy Mountain tract. Upon this tract was erected a new branch prison, which was completed January 1, 1896.

A tract of farming land of 1,175 acres was purchased for the location of the main prison, and about 2,200 acres of farming land adjacent were leased for a term of years. On this farm, seven miles from Nashville, an eligible site was selected and the building of the main prison was begun.

January 1, 1896, the contract by which the convicts were leased to the Tennessee Coal, Iron and Railroad Company expired, and the State was free to adopt a more humane policy. The State mines at Brushy Mountain were already in operation by convict labor. As soon as the main prison should be completed, the new system in all the departments of the penitentiary^{*} could be put in operation.

During this administration, the contest with the railroads and other moneyed corporations, which had for many years been an irritating factor in State politics, was waged with increased bitterness.

During Governor Turney's first term of office, educational affairs were under the efficient supervision of Hon. Frank M. Smith, who was succeeded at the beginning of Governor Turney's second term by Hon. S. G. Gillbreath, an able officer. Important legislation was enacted. A law was passed increasing the powers of the Boards of Education of

^{*} See Acts and Journals of the respective years; Biennial Report of John H. Trice, Superintendent of Prisons, 1896; Report of Board of Prison Commissioners, 1896, etc.

municipal corporations. Another law provided for the examination of County Superintendents of Public Instruction, and increased the powers



HON. S. G. GILBREATH,
Superintendent Public Instruction.

of the State Board of Education. Several important enactments were made, regulating the financial management of the system, providing for more frequent reports, etc. The appropriation to the Peabody Normal College was increased to \$20,000, and the Chair of American History was established, to be devoted to instruction in American History, and especially to the history of Tennessee, and to the collection and publication of historical material.

491. The Contested Election.—In 1895, Governor Turney was a candidate for reelection. Hon. H. Clay Evans was the Republican candidate, and Hon. A. L. Mims the candidate of the People's party. When the vote was counted by the tellers, in joint convention of the two houses of the General Assembly, the returns showed 104,356 votes for Turney, 105,104 for Evans, and 23,088 for Mims. Governor Turney contested the election. The Legislature, after hearing evidence and argument, by a vote of 70 to 57, declared Peter Turney duly and constitutionally elected. He was then inaugurated for the second term. In 1896, Hon. Robert L. Taylor was elected for the third time as governor of Tennessee.

CHAPTER XLVII.

*THIRD ADMINISTRATION OF GOVERNOR ROBERT L. TAYLOR.*¹

492. Important Events.—The two former terms of Governor Taylor were uneventful, and were interesting only to the student of political institutions and economic legislation. The present term, however, was full of events of historic and social interest. Scarcely had he been inaugurated when he was called on to welcome the guests of the State who came from every part of the Union and from foreign countries to visit Tennessee on the occasion of her centennial reception.

¹ Governor Taylor's portrait is given at the head of his first administration.

Having performed this pleasing duty with admirable grace, he entered upon the more serious duty of organizing the troops of Tennessee for the Spanish and Philippine Wars.

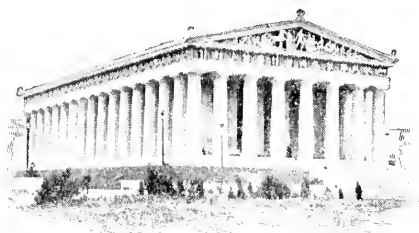
493. The Tennessee Centennial.—The Centennial Park was dedicated June 1, 1896, with ceremonies commemorative of the admission of the State into the Union, June 1, 1796. The Exposition was formally opened May 1, 1897. This exposition was, perhaps, the best managed, the most brilliant and successful State exposition ever held. It was located



TENNESSEE CENTENNIAL GROUNDS.

on a beautiful site, just outside of the corporate limits of Nashville. The grounds were verdant and beautiful. The buildings, exhibits, and attractions pertaining to such occasions were of an unusually high order. The United States Government building and exhibit, the State buildings and exhibits, the foreign exhibits, and the various manufacturing, mercantile, agricultural, scientific, and educational exhibits, were all excellent. The preëminent feature of the exposition was the prominence given to History. The harmonious association of ancient history and modern history was peculiarly pleasing, and was remarkable in a State which had heretofore been so negligent of its own history.

494. The Parthenon and Erectheum.—The most beautiful building, occupying the most conspicuous site on the grounds, was a reproduction of the classic Parthenon, "the pride of Athens," exact in size and construction, and in all respects except the material used. In this building was placed the art exhibit, under the control of a committee, of which the accomplished Mr. Theodore Cooley was chairman.



THE PARTHENON.

By the side of the Parthenon, occupying the same relative position which it occupied on the Acropolis of Athens, was the exact reproduction of the companion temple, the Erectheum. This building was devoted to history, and

furnishes the first instance in any American Exposition in which a separate building and a special department has been given to history. Here Gen. G. P. Thruston, the efficient Chairman of the History Committee, ably assisted by the superintendent of the building, Mr. Robert T. Quarles, displayed the most complete and remarkable collection of State historical relics that has, perhaps, ever been exhibited. The Tennessee Historical Society, various local Historical Societies, The Colonial Dames, the Daughters of the American Revolution, the Ladies' Hermitage Association, the Grand Army of the Republic, the Confederate Veterans, the Daughters of the Confederacy, and many private contributors, supplied a collection which illustrated the history of Tennessee from its pioneer period to the present time.

An interesting incident of the Centennial was the parade of the Association of United Confederate Veterans, who held their annual reunion in Nashville, while the Centennial was in progress.

495. The Effects of the Centennial on the History of the State.—

Nothing has done so much to interest Tennesseans in the history of their own State as the Centennial Exposition. Previous to that time, the Tennessee Historical Society had done a grand work in preserving the materials of history. The early historians had deserved the gratitude of the State for their valuable works. The Legislature, in 1891, in enacting the Secondary School law, had added Tennessee History to the curriculum of studies, and in 1895, had created the Chair of American History at the Peabody Normal College. The American Historical Magazine, published as the organ of this chair, reaches the principal libraries and learned societies all over the United States. A remarkable production appeared in the newspapers, just before the opening of the exposition, entitled the *Centennial Dream*, written by Dr. R. L. C. White. This article was given to the public in the form of a hundred queries in Tennessee history, and a reward was offered for correct answers. It obtained a wide circulation, and aroused a wonderful popular interest.



HON. PRICE THOMAS,
Superintendent Public Instruction.

Such agencies as those above mentioned had, to some extent, attracted public attention, and had paved the way for the public enthusiasm in history, which was kindled by the

Centennial.² Under the general supervision of Hon. Price Thomas, Superintendent of Public Instruction, a fine educational exhibit was held at the Centennial Exposition, which attracted educators from the State and from abroad. A meeting of the Department of Superintendence of the National Educational Association, held at Chattanooga, was welcomed by Superintendent Thomas in a felicitous address.

496. The Senatorship.—The State was saddened by the death of the senior Senator, Hon. Isham G. Harris, whose long career as a public servant had been honorable to himself and to the State. Governor Taylor appointed Hon. Thomas B. Turley, of Memphis, to fill the vacancy until the next meeting of the Legislature. Senator Turley was known as one of the ablest lawyers of the State, and had been the law partner of Senator Harris. The fitness of the appointment was recognized by the General Assembly, and Senator Turley was elected to fill the unexpired term.

497. The Spanish War.—In this war, Tennessee maintained her title to the name, "Volunteer State." She furnished her full quota of troops, and other volunteers offered their services.

Four regiments from the State were accepted and mustered into the Volunteer Army of the United States. The First Tennessee was commanded by Col. William Crawford Smith, who had been a gallant officer in the Confederate Army. This regiment was ordered to San Francisco, and subsequently to the Philippine Islands. It took an honorable part in the skirmishes and engagements of the Philippine War against Aguinaldo. Colonel Smith, overcome by the intense heat, fell from his horse and expired on the firing line, in an engagement in front of Manila. Lieutenant Colonel Gracey Childers was promoted to Colonel, and served with distinction during the remainder of the term of service.

The other three regiments were complete in number and equipments, and in fine soldierly qualities. Though ardently desiring to win distinction, no opportunity was offered them to meet the enemy. The Second Regiment was commanded by Col. Kellar Anderson, who had served with distinction in the State campaign for suppressing the insurrection of the miners. The Third was commanded by Col. J. P. Fyffe, who had, also, served the State in the campaign against the miners, and had the reputation of being one of the best officers in the

² See Official History of Tennessee Exposition; American Historical Magazine, Vol. III, p. 3, *et seq.*

service. The Fourth served for a short time in Cuba, but arrived there too late to meet the enemy in battle. It was commanded by Col. George Leroy Brown.

In the United States Navy were the following officers from Tennessee:^a

In the marine corps: Col. Robert L. Meade, Capt. Albert S. McLemore, Lieutenants Fred M. Eslick and Rush R. Wallace.

In the naval service: Commander Washburn Maynard, Lieutenant Commanders Albert G. Berry, Valentine S. Nelson, Robert M. Doyle, William B. Caperton, Charles C. Rogers; Lieutenants Thomas F. Ruhm, Albert Gleaves, Albert L. Key, Edwin H. Tillman, Joseph J. Cheatham, Robert F. Lopez, William H. McGrann, David VanH. Allen, Ridley McLean; Ensigns Charles K. Mallory, Dudley W. Knox, Henry C. Mustin; Surgeon Charles T. Hibbett; and Assistant Surgeons Will T. Arnold and James C. Pryor.

Commander Maynard, of the Gunboat Nashville, fired the first shot in the Spanish War.

Lieut. Thomas F. Ruhm was the constructor in charge of the building of the "Oregon" and the "Olympia."



U. S. GUNBOAT NASHVILLE.

498. The Penitentiary.—The main prison having been finally completed, the convicts from the old prison and from other prisons were moved into it, and the new penitentiary was formally occupied February 12, 1898. Nothing now prevented the completion of prison reform, and the State account system was put into full operation. This system is, at once, humane and profitable to the State.

499. The Railroad Commission.—The contest with the railroads reached the culminating point in Taylor's administration. A law was enacted, creating a railroad commission, with power to assess the property, and to exercise a limited control over the management of railroads. The governor appointed Messrs. E. L. Bullock, Newton H. White, and Frank M. Thompson, to serve until the next biennial election. Mr. De Long Rice was appointed Secretary of the Board. This Board

^a Register of the Navy: Government Printing Office, Washington.

assessed the railroad property at a valuation which the railroads refused to accept. Suit was brought in the Federal courts to resist the assessment, and an injunction was granted.

At the regular elections in 1899, Messrs. N. W. Baptist, Thomas L. Williams, and J. N. McKenzie were elected Railroad Commissioners. They appointed Mr. Frank Avent Secretary.

CHAPTER XLVIII.

ADMINISTRATION OF GOVERNOR McMILLIN.

500. The Present Chief Magistrate.—The newly elected governor had long been engaged in the service of the State. In various capacities he had demonstrated his ability as a statesman and his faithfulness as a public servant. Having served for twenty years as a representative in Congress, he was transferred to the gubernatorial chair, with instructions from his party to institute economy and reform. The end of the first year of this administration brings us to the present time.

501. Condition of the State Debt.—The bonded debt of the State amounted to \$16,455,200, and the floating debt amounted to \$850,000, making a total of \$17,305,200. Sixteen years had elapsed since the issuance of the bonds, and no provision had been made for their payment. Governor McMILLIN, in his message to the Legislature, recommended that a sinking fund be created. A law to this effect was promptly enacted. Up to March, 1900, \$600,000 of the floating debt has been paid, the interest and current expenses have been promptly met. More than \$100,000 is in the treasury to the credit of the sinking fund; \$110,000 of bonds have been called in for payment, and the work of liquidating the State debt is fairly begun.

502. Economic Reforms.—The law relating to the fees of coal oil inspectors was changed so that all fees from the inspection of illuminating oils should be paid into the treasury, after deducting therefrom



GOV. BENTON McMILLIN.

a specified sum to the inspector. From this source, in the year 1899, the State derived about \$25,000 income.

A tax of one-tenth of one per cent was imposed on the issuance of charters of incorporation, and on charters for the consolidation of existing corporations. It is estimated that this tax brings to the treasury an annual income of \$45,000.

A number of suits were pending in the State and Federal courts, involving questions connected with the taxation of railroads, telegraphs and telephones. The State officers had been enjoined from the collection of a considerable amount of revenue. In this condition of affairs, a conference was held between the authorities of the State and representatives of the railroads and other corporations. An adjustment was effected which was satisfactory to the railroads and other litigants, to the Board of Railroad Commissioners, and the State Board of Equalization, composed of the governor, the treasurer, and the secretary of state. The suits were then compromised on equitable principles. This settlement made the taxes on these corporations immediately available, amounting to \$197,712.04, and will hereafter bring to the treasury a largely increased annual revenue.

The questions connected with the management of the penitentiary, the change from the lease system, and the erection of the new penitentiary, have been elsewhere discussed. The Board of Prison Commissioners now consists of W. M. Nixon, Chairman; John H. Trice, Secretary; and A. J. McWhirter.

Important reforms have been introduced, as experience in the new system has demonstrated their value. The excellent management of its affairs during the year 1899 demonstrated the wisdom of the new system, and brought to the treasury a net profit of \$83,483.90.

The reform of the judiciary system was passed over strong opposition, but was finally adopted, and saves to the State about \$30,000 per annum.

A judicious law was enacted, creating a Board of Pardons, consisting of the three Prison Commissioners.

503. Educational Enactments.—A number of Educational enactments were made. Three of these, urged by Superintendent Morgan C.



HON. MORGAN C. FITZPATRICK,
Superintendent Public Instruction.

Fitzpatrick, were especially important. Recognizing the great benefit to education, which had resulted from the holding of Teachers' Institutes, the Legislature increased the appropriation for this purpose from \$1,500 to \$2,500 per annum. The County High School law is a wise enactment, which affords to any county the opportunity to establish a system of schools complete within the county.

Another educational enactment of great importance was "An act to create a State Text-Book Commission, and to procure for use in the free public schools in this State a uniform series of text-books."



504. **The Text-Book Commission.**—The governor and State Superintendent of Public Instruction, together with three members of the State Board of Education named by the governor, constitute the State Text-Book Commission, assisted by a sub-commission, consisting of five members, whose duty it is to examine and report upon the merits of all text-books offered for adoption by the State.

August 25, 1899, Hon. Morgan C. Fitzpatrick, State Superintendent of Public Instruction, issued an official circular, setting forth a list of the books adopted, with the prices of each, the regulations for

purchase, exchange, and introduction, and requiring the newly adopted books to be used in all schools on and after September 1, 1899. The list showed a considerable reduction in prices. The law went into effect promptly, with some delay in a few localities, and resistance on the part of some of the cities.

505. The Reception of the First Tennessee.—The reception of the First Tennessee Regiment, on its return from the Philippine campaign, was a memorable day in the annals of Tennessee. All the four Tennessee regiments had urgently petitioned to be placed where they could meet the enemy. None of them obtained the boon which they so ardently sought in the Spanish War. The First Tennessee, alone, was under fire in the Philippine War. Their conduct was such as to



COLONELS OF FIRST TENNESSEE REGIMENTS.

William B. Campbell. Robert K. Byrd. Peter Turney. George Maney.
Hume R. Field. William C. Smith. Gracey Childers.

maintain the high reputation which had always attached to the name, "First Tennessee." The last of the volunteer regiments discharged from service, the First Tennessee reached Nashville November 29, 1899, on its return home.

They were received with public demonstrations of welcome. They were entertained by the ladies at breakfast, and at an elegant banquet, were escorted through the streets by a grand parade to the Tabernacle, where an immense assembly was gathered, presided over by Hon. John Wesley Gaines. Here they were welcomed in eloquent words by Governor Benton McMillin, on the part of the State; by Hon. J. M. Head, Mayor of Nashville, on the part of the city; and by Hon. Tully Brown, on behalf of all soldiers in this and former wars.

CHAPTER XLIX.

EDUCATION.

506. Early Education.—The earliest history of education in Tennessee is involved in obscurity. There was no public school system, and no records were kept. The early settlers were imbued with old English ideas, and did not view education as a matter of state. Yet, they were far from ignoring its importance. Many of the pioneers were men of culture and refinement, as may be seen from the few writings which they have left behind them, and they brought with them families of refined tastes and fairly grounded in the education of the times. When the pioneers of Washington District petitioned to be annexed to North Carolina, in 1776, the petition was signed by one hundred and ten citizens. Among this number, only two signatures were made by *mark*. May 13, 1780, the pioneers of Cumberland signed the "Articles of Agreement." Of the two hundred and fifty-six signers, only one signed by *mark*. In such communities, we do not need records to prove that some provision was made for education. Yet, the lamentable absence of records renders it impossible to collect statistical information.¹

507. The Home School.—In the communities from which these pioneers emigrated, nearly every home was a *school*. The *home* school transplanted to the wilderness, was more or less imperfect and irregular; yet it imparted elementary instruction, and sometimes higher instruction. It kept no record or statistics, and we know of its existence only by incidental allusions, by fragmentary evidence, by legitimate inference from our knowledge of the characteristics of the people, and from the fact that their descendants gave evidence of scholastic attainments which must have been acquired in unrecorded schools.

508. The Preacher-Teacher.—The dominant element in the first settlement of the State was the "Presbyterian Covenanter." Wherever this element might go there was certain to be a "*preacher*," and wherever there was a "*preacher*," there was certain to be a "*school*." The residence of the "*preacher*" in a community was evidence of the

¹ Putnam, pp. 48, 100-102.

existence of a "school," historically as reliable as official records. These preachers gave the early impress to education in Tennessee, and were the founders of the first schools outside of the home schools.

509. The First Schools in the State.—Accordingly, the first school in the State of which we have record evidence, and which is said to have been the first literary institution established in the Mississippi Valley,² was founded by Samuel Doak, a graduate of Princeton, and pastor of a Presbyterian Church at Salem, in Washington County, about the year 1780. It was chartered in 1783 by North Carolina, and named Martin Academy in honor of Governor Martin. It was re-chartered by the "State of Franklin" in 1785, under the same name. In 1795 it was incorporated by the Southwest Territory as Washington College.

In 1785 another Presbyterian minister, Thomas Craighead,³ likewise a graduate of Princeton, came to Tennessee and settled at Haysboro, about six miles east of Nashville. Immediately there was built for him a rough stone building called the Spring Hill meeting house. In the same year Davidson Academy was chartered by the Legislature of North Carolina. At the first meeting of the trustees, in 1786, the Rev. Thos. Craighead was elected president, and Spring Hill meeting house was designated as the place where the school should be taught. Here Craighead taught for some twenty years, and on his foundation was built the University of Nashville.

Rev. Samuel Carrick, a Presbyterian minister not less orthodox nor learned, yet more liberal and tolerant, established the first Presbyterian Church at Knoxville in 1789 or 1790.⁴ When the Legislature of the Southwest Territory chartered Blount College in 1794, the Act named the Rev. Samuel Carrick as its president. Blount College, in its process of development, became East Tennessee College, then East Tennessee University, and is now the University of Tennessee. Not to multiply examples, such were the first schools established in Tennessee.

510. The Unrecorded Schools.—In addition to the schools that survived as permanent institutions, thus finding a place in the records, there were many schools which gained no place in history, and whose names even are unknown. An instance has been previously cited

² Phelan's History of Tennessee, p. 233, referring to Monette.

³ Thomas Craighead had no middle name.

⁴ James Park, History of the First Presbyterian Church in Knoxville, Tennessee, pp. 11 and 14.

showing how the incidental allusions of the early writers have unconsciously furnished evidence of the existence of schools throughout the country, of which they failed to make any formal record. April 21, 1794,⁵ the Indians murdered the two Bledsoe boys near Drake's Creek in Sumner County. The historians in relating the murder state that the boys were murdered on their way home from school. Yet we have no record of the school, and its name is unknown to history. Tradition, and such incidental allusions, establish the fact that there were many such schools.

511. The Compact of 1806.—The early schools in Tennessee were private enterprises, sustained by tuition fees and taught by the preacher-teacher. There was not so much as the suggestion of a free public school previous to the year 1806. In that year, as previously described in Chapter XXI, *ante*, the compact with the United States, generally known as the cession act, required Tennessee to set apart 100,000 acres of land for two colleges, and 100,000 acres for establishing one academy in each county, and made provisions for public schools which will be hereafter described.

512. The Colleges.—The impediments in the way of applying the grant of 100,000 acres to the use of the colleges, as provided by Congress, have been explained in Chapter XXI. By Act of September 13, 1806, the General Assembly incorporated new colleges and enlarged the corporate powers of others. Two of these colleges were selected as the recipients of the college funds.

The University of Tennessee was the institution selected for East Tennessee. This institution has been known successively as Blount College, East Tennessee College, East Tennessee University. In 1879 the Legislature changed its name to "University of Tennessee." After undergoing many vicissitudes, this institution was placed on a stable foundation in 1869, when it received from the State of Tennessee a magnificent donation. The fund thus donated was derived from the Act of Congress, July 2, 1862, distributing to each of the several States 30,000 acres of the public domain for each Senator and Representative in Congress, the proceeds to be applied to establishing one or more agricultural colleges. In 1869 Tennessee received land scrip to the amount of 300,000 acres as her ratable share. The scrip was sold, and reached the sum of \$396,000. This entire sum was invested in State bonds, at par, bearing 6 per cent interest, and was donated by the State

⁵ See *ante*, paragraphs 194, 195.

to "East Tennessee University," upon certain conditions for establishing an agricultural college. Rev. Thomas W. Humes, at that time



REV. T. W. HUMES.

President, organized the University on a basis to correspond with its increased resources. In 1887 Congress made an annual appropriation to establish agricultural experiment stations. Tennessee's share was \$15,000 *per annum*. In 1890 the Morrill Act was passed by Congress, under which Tennessee's share, beginning with \$15,000 *per annum*, increases \$1,000 each year until it reaches \$25,000. The State bestowed both these funds on the University of Tennessee. The University now has an endowment fund of \$426,000, and owns property valued at \$780,000. It has an annual income of about \$70,000. In

addition to its Literary and Agricultural Departments it maintains departments of Law, Medicine, and Dentistry.⁶

The University of Nashville and Peabody Normal College is the present name of the institution which was selected to receive one-half of the college funds derived from the compact of 1806. This institution has been known successively as Davidson Academy (1785-1803), Cumberland College (1803-1826), and the University of Nashville (1826). Since 1875 it has borne the name of the "*University of Nashville and Peabody Normal College*." Being eleven years older than the

State, this pioneer institution has experienced many vicissitudes, and has gained strength in overcoming them. Its early history is illustrated by the names of Thomas Craighead,⁷ James Priestly, William Hume, Nathaniel Cross, Gerard Troost, and Philip Lindsley. During Philip Lindsley's long administration (1825 to 1850) the College had expanded into a university, and became a beacon light in the education of the West. In 1851 was established the pioneer medical college, which subsequently became the great medical college of the West. During the civil war the Literary Department was closed, but the

⁶ Sanford's Blount College and University of Tennessee; Merriam's Higher Education in Tennessee, Article by T. C. Karns.

⁷ His name is often given as "Thomas B. Craighead." This is an error. He had no middle name. See National Cyclopaedia of American Biography—Sketch corrected by his grandson.

Medical Department remained in operation. After the close of the war the Literary Department was opened as a military school, under Gen. E. Kirby Smith and Gen. Bushrod Johnson. In 1875 the Peabody Normal College was established, and was especially designed for the professional training of teachers. The University Course provides for a liberal education and confers the Bachelor and Master's degrees. In 1888 the distinguished educator, Dr. William H. Payne, was elected Chancellor. The institution is now supported by a liberal appropriation from the Peabody Fund, supplemented by an annual appropriation of \$20,000 from the State. In addition to the Literary Department the University maintains a Medical Department and a College of Music, and two allied schools, the Montgomery Bell Academy and the Winthrop Model School. In all departments it has an attendance of about 1,400 students.⁸



PHILIP LINDSLEY, LL. D.

In addition to the State institutions there are many other colleges and universities in Tennessee. The various religious denominations of the South have selected Tennessee as the most healthful and central location for their institutions of high grade. Among these are: The Cumberland University, founded by the Cumberland Presbyterians, and located at Lebanon; the Southwestern Presbyterian University, at Clarksville; the Southwestern Baptist University, at Jackson; the University of the South, founded by the Episcopalians, at Sewanee; Vanderbilt University, founded by the Methodists, at Nashville; Grant University, founded by the Methodist Episcopal Church, at Athens and Chattanooga; Carson and Newman College, Baptist, at Mossy Creek; Christian Brothers' College, Catholic, at Memphis; Washington College, Presbyterian, Salem; Greeneville and Tusculum College, Tusculum; Maryville College, Presbyterian, Maryville; Hiwassee College, Methodist, Monroe County; Bethel College, McKenzie, Cumberland

⁸ See Merriam's Higher Education, with Bibliography, pp. 20-62. See, also, Report of Committee on Education, prepared by Hon. James H. Bate, and made to the Legislature in 1897.

Presbyterian; Milligan College, Christian Church, Milligan; Bible School, Disciples, Nashville; King College, Presbyterian, Bristol.

There are other colleges, not under denominational control, such as the Winchester Normal College, at Winchester, and Burritt College, at Spencer.



CORNELIUS VANDERBILT.

From the number of its higher institutions Tennessee has derived the name of the "University State of the South." Many of them are doing valuable work of various grades. Some of them, lacking adequate endowment funds, show good judgment in limiting their work to their conditions and environments.

One of the institutions above named

has received a munificent endowment, and another had the prospect of being the wealthiest institution of the South, when its expected endowment was lost, in large part, by the intervention of the Civil War.

Vanderbilt University was founded by the Methodist Church. While the Church was engaged in the work of accumulating a fund to establish a college on an adequate foundation, Cornelius Vanderbilt, a wealthy citizen of New York, popularly known as Commodore Vanderbilt, contributed a magnificent donation. This contribution was made through Bishop H. N. McTyeire, the first President of the Board of Trust. The Board was thus enabled to establish a real University on a foundation befitting a great institution of learning. It was opened for students in 1875. In addition to its literary department it maintains departments of Theology, Medicine, Law, Dentistry, Pharmacy, and Engineering.

This institution, while under control of the Methodist Church, provides a university course of instruction free from sectarian bias. Since its establishment it has received additional donations from the descendants of Commodore Vanderbilt.



BISHOP H. N. MCTYEIRE.

The University of the South would, perhaps, have been the most largely endowed institution in the South had not the Civil War

interrupted the plans of its founders. The idea of founding a great university, located in the healthful region of the Cumberland plateau, and far removed from the temptations which beset young men, originated with Rt. Rev. James Hervey Otey, Bishop of the Episcopal Diocese of Tennessee. Aided by Bishop Leonidas Polk and others, he secured large donations of land and money. The institution was chartered by Tennessee in 1858. Before the plans of the founders could mature the Civil War intervened. After the close of the war Bishop Quintard took up the work, and the Junior Department of the University was opened September 18, 1868. The death of Bishops Otey and Polk, and the impoverishment of the friends whose wealth and liberality were relied on, prevented the magnificent endowment which was expected. Large amounts of money, however, were raised by the zealous efforts of Bishop C. T. Quintard, and the University was put into efficient operation. It now has a large attendance of students, and enjoys a high reputation.



BISHOP
JAMES HERVEY OTEY.

Female education has received especial attention in Tennessee. The first institution for the separate training of females was founded by Moses Fisk. Subsequently many such institutions, "academies," "seminaries," "institutes," "colleges for young ladies," were established all over the State. Some of these have developed into excellent institutions, and have attained high reputation, attracting large numbers of pupils from outside of the State, and especially from the more Southern States.

There are institutions for giving professional instruction in law, medicine, theology, pharmacy, dentistry, engineering, pedagogics, art, manual training, business education, etc. Some of these schools are departments of the great universities, and others operate under independent organizations.

After the close of the war various religious denominations established institutions of high grade for the education of negroes. Among these are: Fisk University, Roger Williams University, Central Tennessee College, Le Moyne Institute, Knoxville College. These institutions receive aid from the Slater Fund, and are in prosperous condition. Jubilee Hall, at Fisk University, was built by the proceeds derived from the European tour of the famous "Jubilee Singers."

513. The Academies.—In pursuance of the Academy grant of the United States in 1806, the Legislature, by the Act of September 13, 1806, incorporated 27 academies, one for each county, and made them recipients of so much of the Academy Fund as could be made available. This fund was insufficient for endowments. It was supplemented in most of the counties by private subscriptions, and was devoted to building purposes. Good and substantial structures were erected, some of which are still standing and are now used as public schools. These academies were maintained by tuition fees, and were practically private schools. For many years they gave direction to education in the State.

These academies were not sufficiently distributed to meet the wants of education. To meet the necessity for more schools a number of academies, seminaries, etc., before mentioned, were established by private donations, by social orders, and by religious denominations, and many other schools were established by teachers as private enterprises. These academies, seminaries, and private schools constituted the educational system of the State until 1873. In 1823 the germ of the public school system was planted, but it did not bear fruit for many years.⁹

514. The Grant to Public Schools.—In the compact of 1806 it was provided, in addition to the lands to be set apart for colleges and academies, that where existing claims would permit, six hundred and forty acres in every six miles square of the territory north and east of the Congressional line should be appropriated for the use of schools for the instruction of children forever.¹⁰ The endowment, which, on its face, seems so munificent, failed practically on account of the interference of "existing claims."

Some of our far-seeing statesmen, among whom James K. Polk was conspicuous, made strenuous efforts to have the deficiency made good out of the unappropriated land in the Congressional reservation.

515. Petitioning Congress.—As a member of the Tennessee Legislature in 1824, Mr. Polk was the author of a memorial to Congress, which presented in unanswerable argument the duty of Congress to make good to Tennessee, for the use of common schools, the proportion of public lands within her borders that had been donated

⁹ Report of Superintendent of Public Instruction for Tennessee, 1891, pp. 22-26.

¹⁰ Acts of 1806, Chapter X, Section 2; 2 Haywood & Cobb's Laws, p. 13.

for that purpose to every other Territory and State erected out of the public domain. Two years later, as a member of Congress, he prepared the able report of the select committee to whom the memorial of the Tennessee Legislature was referred.

In all these proceedings it appeared beyond controversy:

1. That it had been the uniform custom of Congress to appropriate one thirty-sixth part of the public domain to the cause of education in the district where it lay.

2. That by this rule the State of Tennessee was entitled to 666,666 acres for school purposes.

3. That of the 444,444 acres which Congress authorized the State to appropriate north and east of the Congressional line, only 22,705 acres were open to appropriation.

4. And that of the 222,222 acres which she ought to have been allowed south and west of the Congressional line, she was not authorized to appropriate a single acre, although the commissioner of the general land office reported that "whatever disposition may be made of the unappropriated lands south and west of the Congressional boundary line, the uniform practice of the government would require that a quantity of land equal to one thirty-sixth part of the whole district should be appropriated for the use of schools."¹¹

But on account of the jealousy of the old against the new States on the subject of the public lands within their limits, Congress could not be induced to take any action in the matter.¹²

516. First Public School Law.—In 1823 the Legislature passed the first public school law enacted in this State.¹³ But the system of public schools established, if it may be called a system, was peculiarly unfortunate. It provided that the school commissioners should apply the public funds to the education of the poor, either by establishing "poor schools" in their different counties, or by paying the tuition of poor children in other schools, and in the purchase of books for the use of such children. Its tendency and effect was to bring the public schools into such disrepute that they were for many years called "poor schools."

¹¹American State Papers, Public Lands, Vol. V, 353.

¹²Address of the Democratic Members of Congress from the State of Tennessee to their constituents, 1841, pp. 14, 15.

¹³Acts of 1823, Chapter XLIX, Sections 12–17, inclusive; 2 Haywood & Cobbs' Laws, p. 113. Proceedings of the Seventh and Eighth Annual Sessions of the Tennessee State Teachers' Association, 1871 and 1873, p. 27.

517. The Public School Fund.—Convinced that Congress could not be relied on to make good the proportion of the public lands which the State ought to have received for the benefit of public schools, the Legislature set itself earnestly to work to establish a public school fund out of the resources of the State. The provision for a school fund, in the Act of 1823, was too insignificant to be of value, except as a first step in the direction of a public system. A small addition was made to it in 1825, and a substantial fund was provided in 1827, which the Constitution of 1834 declared should be a perpetual fund, whose principal should never be diminished by legislative appropriation, and the interest of which should be inviolably appropriated to the support and encouragement of common schools.

518. Inadequate School Laws.—For many years the State made feeble efforts to *encourage* public schools. Laws were passed in 1829, 1837, 1844-5, all were little more than statutory exhortations, and radically defective in failing to provide adequate revenue for the support of the schools.

The people did not demand a system of public schools, which were still reproached with the name of "poor schools." All their antecedents and traditions had led them to view private schools with more confidence and favor. They distrusted the efficiency and economy of a system of free public schools, and the repeated failure of efforts to maintain such a system had not tended to remove their prejudices.¹⁴

519. The Nashville Public Schools.—The first long stride towards a more efficient system was made by the city of Nashville. Professor J. H. Ingraham came to reside in that city in 1847. His attention being drawn to the condition of the public schools, he determined to try to improve them. He proposed a plan, modeled on the schools in New Orleans and Natchez, which he presented in an address to a town meeting in 1848.¹⁵ The city authorities took the matter up with great enthusiasm. By their order, in 1852, Alderman Alfred Hume, himself a distinguished teacher, visited the cities of Cleveland, Boston, Providence, Philadelphia and Baltimore for the purpose of examining their systems of public schools, and on his return submitted an able and useful report.¹⁶

¹⁴ See Tennessee School Report, 1891, p. 34.

¹⁵ Report upon a proposed system of public education for the city of Nashville, respectfully addressed to its citizens: Nashville, 1848.

¹⁶ Report on the subject of Public Schools in the City of Nashville, made to the Board of Mayor and Aldermen, by Alfred Hume, August 31, 1852.

The Nashville system of public schools was put in operation in 1855, and was a valuable object-lesson to the whole State. Its first public school building was named "The Hume School."

520. The First State Tax.—Governor Cannon, in his message in 1837, was the first governor to suggest the true remedy, but his recommendation was not heeded. Andrew Johnson made a stronger and more successful effort. In his message in 1853 he urged a State appropriation to maintain schools. He says: "If we are sincere in what we profess for the cause of education, we should, without hesitation, provide means to accomplish it. There is one way, if no other, that the children of the State can be educated, which is obvious to all, and that is, to levy and collect a tax from the people of the whole State, or to authorize the county courts, separately, to do so in their respective counties, in such manner as may be deemed by them most acceptable to the people, sufficient in amount, when added to our present school fund, to give life and energy to our dying, or dead, system of common school education."¹⁷ Accordingly the Legislature passed an Act taxing all the property of the State for school purposes, under which the fund available for public schools was doubled. This was the first school tax ever levied by the State. But the law was defective in many respects, and the Civil War came on before any successful system of public schools was put in operation.

521. First Efficient System.—The results of the Civil War changed the whole aspect of public education in Tennessee. In July, 1865, the Tennessee State Teachers' Association was organized, with Rev. Thos. W. Humes, President of East Tennessee University, as president, and passed resolutions favoring free schools. A bill was introduced into the Legislature for the "Reorganization, Supervision, and Maintenance of Common Schools," in October, 1865, but did not become a law until March, 1867. This law was based on the old law, with the important additions of:

1. State and county Superintendents.
2. The levy of an increased State school tax.
3. Authority for school districts to levy tax for school purposes; but this provision was declared unconstitutional by the courts.
4. Extending the benefits of public education to both white and black children, to be taught in separate schools.

¹⁷ Message of Andrew Johnson, Governor of Tennessee, 1853, pp. 6, 7.

Gen. John Eaton, Jr., who was elected State Superintendent of Public Instruction in August, 1867, gave earnest and diligent attention to the duties of his office, but he had difficulties to encounter which it was impossible for him to overcome. In 1870 the Legislature unwisely repealed the law of 1867, and remitted the support of the public schools to the action of the several counties.

522. The State Teachers' Association to the Rescue.—At a meeting of the State Teachers' Association in December, 1870, Dr. Barnas Sears, agent of the Peabody Fund, was present by invitation, and agreed to pay the salary of an officer to canvass the State to advocate the establishment of an efficient school system. Dr. Morrow, the State Treasurer, was *ex officio* Superintendent of Public Instruction. He agreed to appoint as his assistant any person selected by the Association. Mr. J. B. Killebrew was unanimously chosen by the Association, and Superintendent Morrow made him his assistant. Mr. Killebrew put great energy and intelligence into his work, and embodied its results in an excellent report to the Legislature, which was ordered printed, and widely circulated.¹⁸ The statistics gathered by the Assistant Superintendent were sufficient to demonstrate the inefficiency of the system adopted under the Act of 1870, and did much to incline public sentiment to a better system.

523. The Present System Adopted.—The school law passed by the Legislature in 1873 was a bill drafted and recommended by a committee of the State Teachers' Association, of which S. Y. Caldwell was chairman, and is entitled "An Act to establish and maintain a uniform system of public schools." It provides for State and County Superintendents of Public Instruction, and combines the State, county, and district systems. The permanent school fund of \$1,500,000, ascertained and declared by Section 946 of the Code, together with the interest accrued thereon during the war, amounting to \$1,012,500, were funded into a certificate of indebtedness for \$2,512,500 bearing six per cent interest. The interest on the permanent school fund was supplemented by a tax of one mill on the dollar levied by the State for school purposes, and by a State poll tax of \$1. The counties and school districts were also authorized to levy taxes for the benefit of their local schools, but the provision respecting districts was found to be unconstitutional and was repealed in 1875.

¹⁸ Proceedings of the Seventh and Eighth Annual Sessions of the Tennessee State Teachers' Association, held in the city of Nashville, on November 1 and 2, 1871, and on January 22 and 23, 1873, pp. 15-17.

524. The Growth of the Public School System.—When the public school system was instituted in 1873, it was regarded by many as an experiment. It was established in the face of strong opposition, and was obnoxious to the views and prejudices of a large proportion of the people. Its growth has demonstrated the wisdom of its founders. It has steadily improved in scope and efficiency, and has become engrafted in the affections of the people. There is no institution of their State in which Tennesseans now take a greater pride. Each successive Legislature has contributed to the upbuilding. The State tax for its support has been increased to fifteen cents on the hundred dollars. The counties have been given additional powers, and nearly every county has increased the county revenues for its maintenance. The restrictions of the State Constitution prohibit the General Assembly from conferring on the school districts the power to levy taxes, yet the General Assembly has done all that is permitted in favor of local taxation by conferring on all municipal corporations the power to levy taxes for school purposes, and nearly every municipal corporation in the State has taken advantage of the privilege.

525. Extension of the Course of Study.—The public school course has been extended by the enactment of the Secondary School law in 1891, which was framed in accordance with the wise recommendation of Governor Buchanan, to expand the curriculum, but not to impair "the efficiency of elementary instruction, which is, and always must be, the foundation of every good school system." In 1899 an additional step was taken by the enactment of the High School law, which confers on the several counties the power to establish High Schools, and thus render the school course of the county complete. Other important legislation has been enacted. The several steps of development have been heretofore enumerated chronologically, under the respective gubernatorial administrations.

526. The Peabody Education Fund.—The establishment of the public school system was greatly aided, and its subsequent development has been promoted by the important coöperation of the General Agents of the Peabody Fund. The great philanthropist, George Peabody, a native of Massachusetts, and for many years a resident of England, in 1867 made a donation amounting to about \$2,000,000 for the benefit of education in the Southern States. In the same year the Tennessee State Teachers' Association had secured the adoption of an efficient public school law in the State. When this law was repealed in 1870 Governor Neill S. Brown, Dr. J. Berrien Lindsley, and other warm

friends of education invoked the aid of the Peabody Board to assist in the effort to re-establish a public school system. Hon. Samuel Watson,



GEORGE PEABODY.

of Nashville, who was a member of the Peabody Board, gave to this movement his earnest sympathy and influence. The result was the passage of the present school law in 1873, and the establishment of the Peabody Normal College in 1875. In aid of these movements, the Peabody fund furnished the means to put Col. Kilbrew in the field in 1870, to put the State Institutes in operation in 1874, to maintain them until 1891, when the State made its first appropriation, and to aid in their

support ever since. In addition to this the Peabody fund stimulated the growth of the school system by aiding in the establishment of high graded schools in municipal corporations. It conferred upon the State the signal benefit of maintaining the Peabody Normal College until the State made its first appropriation in 1881, since which time the Peabody Board has aided the College by liberal appropriations. After the death of Dr. Sears Hon. J. L. M. Curry was appointed General Agent of the Peabody fund. His wise administration has led to increased liberality in the appropriations, and to expansion in the usefulness of the Normal College and of the Teachers' Institutes.

The school system is in prosperous condition, but is not complete. The average school term is too short. The secondary school is not compulsory. There is a gap between the secondary school and the college, and the county high school law has not been put into successful operation. Now that provisions have been made by law for the increase of State revenues and for the gradual liquidation of the public debt, it would appear that the time is near at hand when the State can take the final steps to render its school system complete.

CHAPTER L.

THE PRESENT TIME.

527. The Trend of Development.—During the past thirty years the attention of the people of Tennessee has been directed, as never before, to the physical and industrial development of the State, and to its sanitary, social, and educational conditions. This public sentiment has found expression partly in legislative enactments establishing State institutions, and partly in popular movements forming corporations for industrial and commercial enterprises and founding societies for benevolent, educational, sanitary, historical, social, and literary purposes.

528. State Institutions.—During the thirty years preceding the war the energy of the State was directed mainly to establishing means of transportation. Turnpikes and railroads were constructed, canals and river improvements were projected. The term “internal improvements” was limited in its application to “the means of transportation,” which at that time was the pressing need of the State. By the constitution of 1870 State aid to corporations was abruptly terminated, and county and municipal aid to corporations was carefully guarded. As soon as the immediate issues of the war had been settled, the State began legislation to regulate railroads and transportation companies. About the same time attention was turned to “internal improvements” in the broader sense. The State began the policy of aiding in the improvement of the agricultural, industrial, and social conditions, not through the intervention of corporations, but by establishing bureaus and commissions as direct agencies of the State.

Public Education was taken under the care of the State, is now supported by taxation and is placed under control of a State Superintendent, with local county and district officers. The State makes appropriations to three institutions purely educational, the Peabody Normal College, the University of Tennessee, and the Summer Normal Institutes; and four institutions partly educational and partly charitable, the Institution for the Deaf and Dumb, the Tennessee School for the Blind, the Watkins Institute, and the Tennessee Industrial School.

Agriculture is under the care of a State Commissioner and a corps of assistants, who hold Farmers' Institutes, inspect commercial fertilizers, and distribute valuable information. This department has done much to improve the agricultural interests of the State.

Labor receives State attention. Its interests are provided for by the establishment of a bureau under charge of the Commissioner of Labor.

Sanitation was a lesson slowly learned. The epidemics at length pointed out the necessity for State action. *The State Board of Health* was established, and has rendered service far more important than is generally conceded to it. Its work is the work of *prevention*. When we escape dangers we do not always recognize the hand that warded them off. Dr. W. J. McMurray is the President of this Board, and Dr. J. A. Albright is the Secretary.

The Board of Railroad Commissioners is charged with important duties in the regulation of railroads and other public corporations.¹

The Penitentiary is under the direction of the Board of Prison Commissioners, who also constitute the Board of Pardons. The abolition of the "Lease System" enabled the State to control the convicts and to establish the present humane and excellent prison system.²

The Board of State Charities, of which Rev. J. A. Orman is President, was created by the General Assembly May 14, 1895. The Act provides:

"They shall investigate the whole system of public charities and correctional institutions of the State, examine into the condition and management thereof, especially of prisons, jails, infirmaries, public hospitals, and asylums, and the officers in charge of all such institutions shall furnish to the board, on their request, such information and statistics as they may require. . . .

"The board may appoint a secretary, and shall prepare and print, for the use of the Legislature, a full and complete report of all their doings, stating fully and in detail all proceedings had, showing the exact condition of all State institutions under their control, with such suggestions as they may deem necessary and pertinent as to the management and conduct thereof."

The report of this Board to the Fiftieth General Assembly sets forth that the county jails and asylums are not, in general, conducted on humane and sanitary principles. The Board appointed a County Board of Visitors in each county to give attention to ameliorating the condi-

¹ See pages 282, 283.

² See pages 282, 297.

tion of the county institutions. Since the date of the report, December 31, 1896, the condition of the county institutions has been greatly improved. The Board highly commended the condition of the State institutions, and reported the following statistics, showing the institutions supported by the State and counties and the total number of inmates in each:

State penitentiary and branch prisons.....	1,508
Three State hospitals for the insane.....	1,064
Ninety-three county jails	833
Eighty-nine county asylums	1,858
Tennessee School for the Blind	102
Tennessee Industrial School	630
Tennessee School for the Deaf and Dumb.....	183
Confederate Soldiers' Home	91
<hr/>	
Total.....	6,269

Since the date of this report there have been important changes. Some of the institutions have been largely increased. In 1900 the number of inmates at the Confederate Soldiers' Home had increased to 123. The report does not include the list of Confederate pensioners, 908 in number, who receive from the State an annual appropriation of \$100,000.

The report makes no mention of the *Watkins Institute*, which is founded upon the bequest of Mr. Samuel Watkins, and located in Nashville. Mr. Watkins donated to the State of Tennessee, as trustee, a fund for the benefit of laboring men. The State accepted the trust and appointed a board of commissioners to manage the property, which is valued at \$200,000. The commissioners are Hon. John M. Lea, Mr. John Hill Eakin, and Mr. John M. Bass. The Institute maintains a night school, open free of charge to all white citizens of the State, and which has an annual attendance of about 300 pupils. It also furnishes a home to the Tennessee Historical Society and the Howard Library.

The State Library is a valuable institution, and contains an extensive collection of books, maps, charts, pictures, etc. Unfortunately the State has never supplied the library with adequate appropriations, and has burdened the Supreme Court with its management. It needs a special Library Board, much larger appropriations for its support, and better accommodations and facilities.

529. Organizations Independent of the State.—Many organizations have been formed among the people which exercise an important influence in the "*common weal*." The Act of 1875 established a general law for the formation of corporations. Under this law many corporations were formed to promote commercial and industrial enterprises, such as mining, railway, insurance, manufacturing, publishing, electric companies, chambers of commerce, etc. Charters were also issued to companies for benevolent, social, religious, literary, educational, historical, and other purposes not for individual profit.

530. National Benevolent and Social Organizations.—Nearly all the great national organizations of benevolent or social character have branches in Tennessee, which are doing a great work in the interest of religion and morality. Every denomination of protestants, the Catholic, Jewish, and other Churches are represented in the State. The Masons, Odd Fellows, Red Men, Knights of Pythias, Knights of Honor, Knights and Ladies of Honor, Legion of Honor, Royal Arcanum, United Workmen, National Union, Young Men's Christian Association, various temperance societies, and other similar organizations have found Tennessee a congenial soil for the growth of all that elevates humanity.

531. National Historical Associations.—There are three of these associations, formed to perpetuate the history of the colonial period and the Revolution, which have established branches in Tennessee. The Colonial Dames give attention to all matters connected with events of the colonial period. The Daughters of the American Revolution are especially interested in the history of the Revolution. "The Sons of the American Revolution" is an organization having in view the same general purpose as the Daughters of the Revolution, but has a small membership and has not been active.

532. The Grand Army of the Republic.—This National Association is a patriotic organization, formed by the soldiers who participated on the Union side during the Civil War. Men whose hearts have felt the warm sentiments of comradeship which bind those who have fought in a common cause and have shared dangers together, have always shown a desire to perpetuate the friendships and memories of the struggle in which they were engaged. The Grand Army of the Republic was organized for social, historical, and benevolent purposes, to promote comradeship in its local Posts, and to afford at its general reunions the opportunity for comrades to enjoy each others' society.

The Department of Tennessee consists of 102 Posts. The State Headquarters are at Knoxville. The officers are: H. Crumbliss, Commander; Frank Seaman, Assistant Adjutant General.

The Department of Tennessee, W. R. C., has its Headquarters at Knoxville, with Mrs. Josephine C. Zeigler as President, and Mrs. Tillie Rankin as Secretary.

The Division of Alabama and Tennessee Sons of Veterans, has headquarters at Knoxville, with H. T. Cooper Colonel Commanding, and E. E. Carter, Adjutant.

National Cemeteries.—There are seven National Cemeteries in Tennessee, wherein are graves of Union soldiers in number as given below:

<i>Chattanooga</i> — known, 8,157; unknown, 4,969; total	13,126
<i>Fort Donelson</i> — known, 160; unknown, 511; total.....	671
<i>Knoxville</i> — known, 2,175; unknown, 1,047; total.....	3,222
<i>Memphis</i> — known, 5,192; unknown, 8,822; total.....	14,014
<i>Nashville</i> — known, 11,904; unknown, 4,711; total.....	16,615
<i>Shiloh</i> — known, 1,238; unknown, 2,367; total.....	3,605
<i>Murfreesboro</i> — known, 3,817; unknown, 2,333; total.....	6,150

Aggregate..... 57,503

533. Special Tennessee Associations.—These associations include the Tennessee Historical Society, the Medical Society, the Press Association, the Bar Association, the State Teachers' Association, the Public School Officers' Association, the Ladies' Hermitage Association, and other similar societies, and the Association of Confederate Soldiers. There are three other Confederate Associations which have branches in the Southern States.

534. Tennessee Historical Society.

—The Tennessee Antiquarian Society was organized in 1819, with Judge John Haywood as its President. This was the first historical society in Tennessee. It was organized while Judge Haywood was collecting materials for his Civil and Political History



JUDGE JOHN HAYWOOD.

of Tennessee, which was published in 1823. Judge Haywood is regarded as the father of Tennessee history, his work having been the first comprehensive history of the State. He has preserved a great store of valuable material relating to the settlement of the State. He is also the author of a *Natural and Aboriginal History of Tennessee*, as well as a number of other works, mostly legal. He died in 1826.

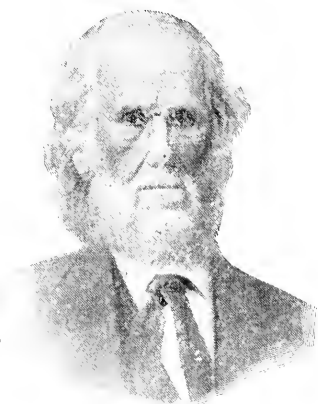


COL. A. W. PUTNAM.

After the stimulus afforded by Haywood's investigations had subsided, the Antiquarian Society was suffered to go out of existence. In 1849 a new Historical Society was organized, with Prof. Nathaniel Cross as President, but it did not last long. The Society was not put on a permanent basis until 1857, when a new organization was effected, with Col. A. W. Putnam as President. Colonel Putnam was then engaged in the preparation of his extensive and painstaking *History of Middle Tennessee*, which was brought out in 1859. He continued to act as President until the meetings of the Society were interrupted by the Civil War. He died in 1869.

After the war the Society was not reorganized until 1874. At that time Dr. J. G. M. Ramsey was elected President. Dr. Ramsey was the first native historian of Tennessee. He published his *Annals of Tennessee* in 1853. This volume only brought the history of the State down to 1800, but he prepared a second volume and had it ready for the press, but it was destroyed when his house was burned during the Civil War. His work has always been accorded a high rank among State histories.

Dr. Ramsey continued to act as President of the Tennessee Historical Society until his death in 1884,



DR. J. G. M. RAMSEY.

when the present venerable and able President, Judge John M. Lea, was elected to succeed him. Judge Lea has been an inspiration to the Society, which, under his guidance, is doing much to preserve and honor the history of the State. The present officers of the Society are Judge John M. Lea, President; Gov. James D. Porter, Gen. Gates P. Thruston, and Col. William A. Henderson, Vice-Presidents; Joseph S. Carels, Librarian and Treasurer; John M. Bass, Recording Secretary, and Robert T. Quarles, Corresponding Secretary.

535. Medical Society of Tennessee.

—The State Medical Society was incorporated in 1830 and organized with Dr. James Roane, son of Gov. Archibald Roane, as President, and Dr. Lunsford P. Yandell, afterwards of Transylvania University, as Corresponding Secretary. The Society has had a remarkably successful career. Its annual sessions have been held regularly, with the exception of a few years' intermission during the Civil War. Its transactions have been printed from year to year, and form a series of valuable historical as well as scientific publications.



JUDGE JOHN M. LEA.

536. Tennessee Press Association.—There was no regular press association in Tennessee previous to 1870, though a number of gentlemen of the press had been in the habit of meeting for business or social reasons from time to time for several years. Their membership was few and their meetings informal. At a meeting in December, 1870, it was determined to effect a permanent organization. A call was issued and the first regular meeting of the Tennessee Press Association was held in Nashville on February 3, 1871. At this meeting Mr. George E. Purvis was elected President and Dr. R. L. C. White Secretary. From that time the Association has held annual meetings and published interesting journals of its proceedings.

Bar Association of Tennessee.—The first meeting of the State Bar Association was held at Bon Aqua Springs, July 4, 1882. Judge William F. Cooper, of the Supreme Bench, was its first President, and Mr. James C. Bradford, Secretary and Treasurer. It has had a marked influence on the legislation of the State in matters touching the

courts, such, for instance, as the costs of criminal prosecutions, and its voluminous published proceedings abound in valuable biographical and historical papers.

537. The Ladies' Hermitage Association.—This is a patriotic society of ladies, formed for the purpose of preserving the memory of Andrew Jackson. The Hermitage mansion, twelve miles from Nashville, with all its furniture and relics, together with 25 acres of land, was, by Act of the Legislature in 1889, entrusted to the care of this Association.³

538. The Educational Associations.—The origin of these two associations has been previously discussed.⁴ They are now invaluable factors in formulating educational sentiment in the State.

The State Teachers' Association holds annual meetings during the summer vacation, and has visited nearly every important town in the State. Its membership is open to all educators and friends of education. Some of its most efficient members have not been practical teachers. At one period of its history, after having accomplished the great purpose of securing the enactment of the public school law in 1873, the energy of its leaders relaxed, and it remained for a time in an inert condition. It was revived during the administration of Superintendent Leon Trousdale. Maj. John W. Paulett served as Chairman of the Executive Committee from 1875 to 1881, and inaugurated the policy of holding the annual meetings in the summer vacation at various points in the State. This policy has been pursued ever since, and has resulted in attracting the coöperation of all the educational interests. Prof. J. L. Brooks is now the President, and Prof. R. L. McDonnold is the Secretary.

The Public School Officers' Association is limited in membership to teachers and officers immediately connected with the public school system. Since its foundation by Superintendent Smith in 1888, it has been a valuable adjunct to the school system. It meets at the State Capitol in Nashville annually, in the month of January, and has a large attendance from all portions of the State. Its officers are: Supt. Samuel Hixson, President; Prof. Frank Goodman, Secretary.

539. The Public Libraries.—Public Libraries had been established in the principal cities and in many of the larger towns previous to 1897, and were maintained by fees and by the donations of private liberality.

³ See page 270.

⁴ *Ante*, page 269.

In 1897 the Legislature enacted the Public Library law, empowering the municipal corporations to levy a special tax for the support of public libraries. Under this law an impetus was given to this important agency for promoting culture. Hon. James H. Bate, of Sumner County, offered a bill in 1897 to provide for public school libraries, which passed the Senate but was tabled in the House. It was unfortunate for the school interests that this bill failed to become a law.

540. The Confederate Associations.—There are four Confederate Associations: The Association of Confederate Soldiers, Tennessee Division; the United Confederate Veterans, the United Daughters of the Confederacy, and the Sons of Confederate Soldiers. All these organizations are patriotic in spirit, and the United States has no citizens more true and loyal than their members. Their sentiments are expressed below in their own language, as quoted from the report of the Committee on History, which was unanimously adopted at the general reunion of the United Confederate Veterans at Richmond, Va., June 30, 1896, and which thus describes the Confederate soldier: "His surrender meant peace and conciliation." . . . "He returned to the Union as an equal, and he has remained in the Union as a friend, with no humble apologies, no unmanly servility, no petty spite, no sullen treachery. He is a cheerful, frank citizen of the United States, accepting the present, trusting the future, and proud of the past."

Impelled by sentiments similar to those which moved the Federal soldiers, the Confederate Veterans, with their sons and daughters, have formed associations to perpetuate memories which are dear to them, and for social, historical, and benevolent purposes.

The Tennessee Association of Confederate Soldiers is an exclusively Tennessee organization, and has no membership outside the State. This association obtained a charter from the State December 30, 1887, with the following charter members: R. G. Rothrock, John P. Hickman, George F. Hager, E. R. Richardson, Frank Anderson, T. F. Sevier, George B. Guild, Jesse Ely, W. J. McMurray, John W. Morton, T. F. P. Allison, and F. S. Harris. It consists of 36 local divisions, styled "*Bivouacs*." Delegates from these Bivouacs assemble at the annual reunions and constitute the "State Division." This is the Association which is recognized by the laws of Tennessee, and to which is entrusted the power to nominate the Trustees for the Soldiers' Home and the Board of Pension Examiners.

The United Confederate Veterans is a general organization for the Southern States. It has a department in Tennessee styled "The Ten-

nessee Division," commanded by Major General George W. Gordon, with John P. Hickman Adjutant General. The department embraces 72 camps. When the general association of U. C. V. was formed the special Tennessee Association joined it, its Bivouacs becoming Camps of the U. C. V., yet still retaining their separate existence.



MAJ.-GEN. G. W. GORDON,
Commanding Tennessee
Division, U. C. V.

The United Daughters of the Confederacy is a general organization for the Southern States. It is said to be the largest organization of women in the world. It has 27 Chapters in Tennessee. Mrs. M. C. Goodlett organized this association in September, 1892. Mrs. Frank A. Moses is now the President, and Mrs. John P. Hickman Secretary.

The ladies of this association have devoted especial attention to social and benevolent purposes and to the care of the graves of the Confederate dead. To their exertions and influence are due the erection of monuments, the custom of decorating graves, and most of the charities to relieve the wants of indigent veterans. They were largely instrumental in securing the State appropriations for the Confederate Soldiers' Home and for the pensions. The Confederate exhibit at the Centennial Exposition was largely their work.

The Sons of Confederate Veterans is a general Southern organization, which has a department in Tennessee. It is an association auxiliary to the Veterans, and having the same general regulations and organization. Hon. A. B. Wilson is now the President.

LIST OF CONFEDERATE CEMETERIES.

<i>Location.</i>	<i>No. Buried.</i>	<i>Location.</i>	<i>No. Buried.</i>
Shiloh	1,728	Tullahoma	400
Knoxville	1,600	Jackson	225
Nashville	1,492	Clarksville	128
Franklin	1,484	Columbia	123
Murfreesboro	1,340	Lebanon	75
Memphis	1,005	Gallatin	73
Chattanooga	905	Union City	41
Shelbyville	600	Lewisburg	9
Fort Donelson	464		
Total			11,782

Monuments in honor of the Confederate soldiers have been erected at Knoxville, Nashville, Franklin, Murfreesboro, Memphis, Chattanooga, Shelbyville, Jackson, Clarksville, Columbia, Lebanon, and Bolivar.

541. The Physical Features.—The educated Tennessean should be accurately informed on all subjects that pertain to his State. It is not enough that he should be proud of his State. He should have an *intelligent* pride. In connection with its history he should study its geography, its geology, and its civil government. For the study of the physical features in detail the student is referred to Safford and Killebrew's *Geology of Tennessee*, and to Frye's *Complete Geography*, chapter on Tennessee.

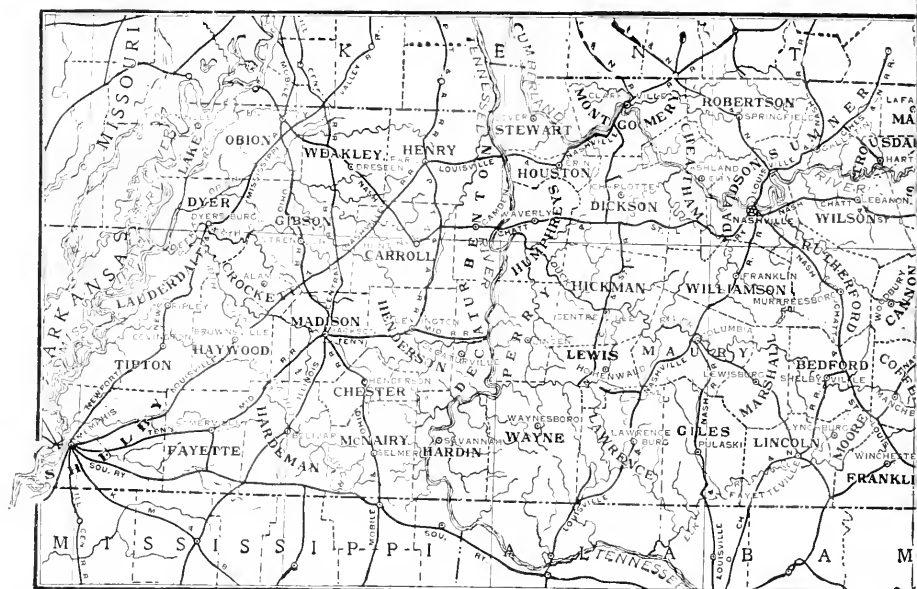
Its grand physical features have attracted its population, and have supplied the resources for its growth and development. Its location, midway between the Gulf of Mexico and the Great Lakes, stretching east and west across the fertile Mississippi Valley; its gradual declivity from the highest mountains of the Alleghanies to the Mississippi bottoms, giving a range of altitude from 6,660 feet to 170.44 feet above sea level, unite to supply such varieties of soil and climate as to promote the cultivation of every kind of plant grown in the United States, except tropical fruits.

Its eight distinct natural divisions supply great and varied mineral resources, among which are coal, iron, lead, copper, zinc, phosphate, marble, limestone and sandstone.

Its climatic and physical conditions are also highly favorable to the growth and development of animal life. No country affords a more delightful residence to the human race, and no country is better suited to the raising of horses, cattle, poultry, and live stock of all kinds.

542. Occupations.—These varied natural resources afford to the people the opportunity to engage in a great variety of occupations. Agriculture is the most important industry. To this pursuit the tastes and habits of the people incline them, and the genial soil invites them. The manufacturing and mining industries are rapidly growing.

The facilities for transportation add greatly to the value of the several industries, and have developed important commercial interests. The Comptroller's report for 1898 shows that there are in the State 2,992.68 miles of railroad, and 20,921.27 miles of telegraph and telephone lines. The Mississippi, Tennessee, and Cumberland rivers, navigable at all seasons of the year, afford excellent facilities for river

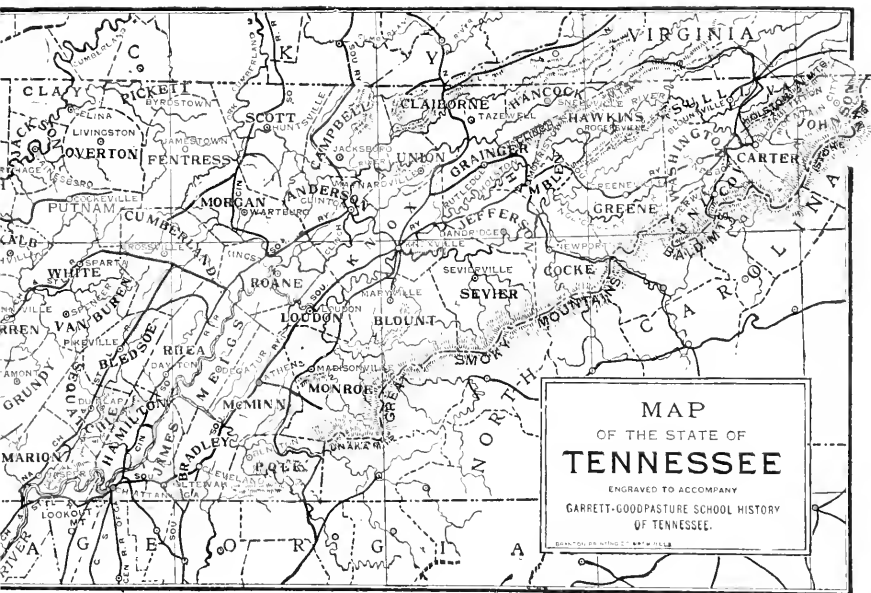


COUNTIES OF

NAME.	COUNTY SEAT.	Date of Formation.	Population in 1890.	NAME	COUNTY SEAT.	Date of Formation.	Population in 1890.
Anderson	Clinton	1801	15,128	Fentress	Jamestown	1823	5,220
Bedford	Shelbyville	1807	24,739	Franklin	Winchester	1807	18,920
Benton	Camden	1835	11,230	Gibson	Trenton	1823	35,850
Bledsoe	Pikeville	1807	6,134	Giles	Pulaski	1800	34,985
Blount	Cleveland	1795	17,589	Grainger	Rutledge	1796	13,190
Bradley	Chester	1835	13,607	Greene	Greeneville	1783	26,610
Campbell	Jacksohn	1806	13,486	Grundy	Altamont	1844	6,340
Cannon	Woodbury	1835	12,197	Hamblen	Morrisown	1870	11,410
Carroll	Huntingdon	1821	23,630	Hamilton	Chattanooga	1819	53,480
Carter	Elizabethton	1766	13,379	Hancock	Sneedville	1844	10,340
Cheatham	Henderson	1856	8,845	Hardeman	Bolivar	1823	21,020
Chester	Ashland City	1879	9,069	Hardin	Savannah	1810	17,690
Claiborne	Tazewell	1801	15,103	Hawkins	Rogersville	1786	22,240
Clay	Celina	1870	7,260	Haywood	Brownsville	1823	23,550
Cocke	Newport	1797	16,523	Henderson	Lexington	1821	16,330
Coffee	Manchester	1835	13,827	Henry	Paris	1821	21,070
Crockett	Alamo	1870	15,146	Hickman	Centerville	1807	14,490
Cumberland	Crossville	1885	5,376	Houston	Erin	1871	5,390
Davidson	Nashville	1783	108,174	Humphreys	Waverly	1800	11,720
Decatur	Decaturville	1845	8,995	Jackson	Gainesboro	1801	13,520
De Kalb	Smithville	1837	15,650	James	Ooltewah	1871	4,900
Dickson	Charlotte	1803	13,645	Jefferson	Dandridge	1792	16,470
Dyer	Dyersburg	1823	19,878	Johnson	Mountain City	1835	8,850
Fayette	Somerville	1824	28,878	Knox	Knoxville	1792	59,550

¹ The total population of Tennessee, by the census of 1800, was 1,767,518, of which the urban population was 1.13 per cent., and the foreign-born population 1.13 per cent. of the total.—[See U. S. Census, Population, Part I, p. 1.]

² The circular shape of Warren and Linton counties was caused by the operation of Section 4, Article 1, to form a new county, or to be transferred to another county, within eleven miles of the court-house. For t



TENNESSEE. 1

NAME.	COUNTY SEAT.	Date of Formation.	Population in 1890.	NAME.	COUNTY SEAT.	Date of Formation.	Population in 1890.
Lake	Tiptonville	1870	5,304	Rhea	Dayton	1807	12,047
Lauderdale	Ripley	1835	18,756	Roane	Kingston	1801	17,418
Lawrence	Lawrenceburg	1817	12,286	Robertson	Springfield	1796	20,078
Lewis	Hohenwald	1843	2,555	Rutherford	Murfreesboro	1803	35,097
Lincoln	Fayetteville	1809	27,382	Scott	Huntsville	1819	9,794
London	London	1870	9,273	Sequatchie	Dunlap	1857	3,027
McMinn	Athens	1819	17,800	Sevier	Sevierville	1794	18,761
McNairy	Selmer	1823	15,510	Shelby	Memphis	1819	112,740
Macon	Lafayette	1842	10,878	Smith	Carthage	1709	18,404
Madison	Jackson	1821	30,497	Stewart	Dover	1803	12,193
Marion	Jasper	1817	15,411	Sullivan	Blountville	1770	20,879
Marshall	Lewisburg	1835	18,906	Sumner	Gallatin	1786	23,668
Maury	Columbia	1807	38,112	Tipton	Covington	1823	24,271
Meigs	Decatur	1835	6,930	Trousdale	Hartsville	1870	5,850
Monroe	Madisonville	1810	15,329	Unicoi	Erwin	1875	4,619
Montgomery	Clarksville	1796	20,607	Union	Maynardville	1850	11,459
Moore	Lynchburg	1872	5,975	Van Buren	Spencer	1840	2,803
Morgan	Warburg	1817	7,630	Warren	McMinnville	1807	14,413
Obion	Union City	1823	27,273	Washington	Jonesboro	1777	20,354
Overton	Livingston	1806	12,039	Wayne	Waynesboro	1817	11,471
Perry	Linden	1819	7,785	Weakley	Dresden	1823	28,955
Pickett	Byrdstown	1879	4,730	White	Sparta	1806	12,348
Polk	Benton	1850	8,361	Williamson	Franklin	1709	26,321
Putnam	Cookeville	1842	13,683	Wilson	Lebanon	1709	27,148

was 11.45 per cent, and the rural population was 88.55 per cent. The native-born population was 98.87 per cent. The Constitution of 1870, which provides, that no territory shall be taken from an established county for any reason, the boundary lines of other counties are formed, in part, of arcs of circles.

transportation. Nearly every county in the State has either railroad or river transportation.

543. Wealth and Population.—The assessed value of all taxable property for the year 1898 was \$306,116,297. The real value is much greater. A noticeable feature is the rapid growth of the cities. During the decade from 1880 to 1890 the five principal cities increased in population 93 per cent. The total population of the State by the last census was 1,767,518.

544. Conclusion.—Thus, the feeble settlements of the Watauga and the Cumberland, beginning their career by establishing independent governments for preserving law and order, entered on the struggle for the conquest of the wilderness. Triumphant over savage foes, British hostility, and Spanish intrigue, they made the early period of their history romantic in adventure and achievement, and illustrious in the grandeur of their virtues.

Overcoming all the obstacles to the acquisition of citizenship and statehood, they contributed to the Union the first State erected out of Federal territory.

Rapidly growing in wealth and influence, the State was exalted by the talents and virtues of its citizens to occupy for many years the most commanding position in the sisterhood of States. It has furnished to the United States three Presidents. Its citizens have filled high places in the Cabinet, in foreign missions, in the military, judicial, and legislative departments of the Government. Although an inland State, it has contributed to the navy two of its most illustrious officers. It has gained by the patriotism of its people the proud title of "The Volunteer State."

Early in its career the State entered on the work of constructing railroads and improving other means of transportation, in order to develop the immense resources which nature had so bountifully provided. Then came the era of prosperity and accumulated wealth.

The State had already begun the work of judicious legislation for developing its internal resources, for providing charitable institutions for the unfortunate classes of its citizens, for education, sanitation, and other public benefits, when its career was interrupted by the Civil War.

This war brought to the State the horrors of invasion, the fratricidal strife of its citizens, the destruction of its labor system, the upheaval of its social and political institutions, public debt, and individual impoverishment.

Nothing has ever daunted the people of Tennessee. The labor system has been reconstructed. The social institutions have been adapted to the changed conditions. The political supremacy of the people has been restored. The public debt has been adjusted, and steps have been taken for its gradual liquidation. By individual economy and industry the people have recuperated their private fortunes. Thrift, enterprise, and wealth are visible everywhere.

In the words of the Confederate Veteran Association, "*The New South* is the legitimate offspring of the Old South. It is not a galvanized corpse worked into life by batteries from without. It is a healthy expansion of forces from within." "The New South, in material development, will rise above the Old South. We shall have a denser population, larger cities, more stately buildings, more ample revenues, more widely diffused intelligence, richer men, more wealthy corporations; but we shall never have a higher social order, nobler sentiments, purer aspirations, grander men, or more devoted or truer women than the men and the women of the Old South."

May the spirit which sustained their ancestors through so many vicissitudes of fortune ever animate the future generations of Tennesseans, and may the glories and virtues which they inherit from the past be their inspiration for the future.

TOPICAL ANALYSIS OF DIVISION III.

FROM THE CONSTITUTION OF 1870 TO THE PRESENT TIME.

I. Close of Senter's Administration—Repeal of School Law.

II. Democrats in Power in all Departments—(a) Brown's Administration, Public Debt Funded, Penitentiary Lease Continued, Present School Law; (b) Porter's Administration, Funding Act Repealed, Four Mile Law, Board of Health; (c) Marks' Administration, Contest over State Debt, Democrats Divided.

III. Republicans Elect Governor, Hawkins' Administration, 100-3 Law.

IV. Bate's Administration, Settlement of State Debt, New Orleans Exposition.

V. Taylor's Administration, Industrial School, Public School Officers' Association, Soldiers' Home, Hermitage Association, Penitentiary Lease Continued, Farmers' Alliance.

VI. Buchanan's Administration, Secondary School Law, Appropriation for Teachers' Institutes, Confederate Pension Law, Increased Appropriations for Soldiers' Home and Normal College, Insurrections of the Miners, Bitter Political Contest.

VII. Turney's Administration, New Penitentiary Begun, State Guard Relieved, Brushy Mountain Mines Opened by State, Convict Lease System Abolished, Contest with Railroads, Normal College Appropriation Increased, Chair of American History, The Contested Election.

VIII. Taylor's Third Term—(a) The Centennial Exposition, Its Beauty, Its Historical Character; (b) The Spanish War, The Four Tennessee Regiments, Tennessee in the Navy, The New Penitentiary Occupied, Railroad Commission.

IX. McMillin's Administration, State Debt, Sinking Fund, Fees of Coal Oil Inspectors, Tax on Charters, Railroad Suits Compromised, Prison Commissioners, Judicial Reforms, High School Law, State Text-book Commission, Return of First Tennessee Regiment.

X. Education, Its Beginnings in Tennessee Home School, Private Schools, Chartered Schools, Colleges, State Institutions, United States Cession Act of 1806, College Grants, The Religious Denominations Found Colleges and Universities, the Chartered Academies, Schools Founded by Benevolent Orders, Growth of Public School System, Insufficiency of Land Grants, Peabody Fund, Final Establishment in 1873, Features of the Law, and Subsequent Amendments.

XI. The Present Time, Trend of Development, State Institutions, Corporations, Social Features, National and State Associations, Physical Features, Internal Improvements, A Few Statistics, Conclusion.

APPENDIX.

CONSTITUTION OF THE STATE OF TENNESSEE.

Framed by a Convention convened at Nashville, January 10, 1870, and adopted by a vote of the people of the State, March 26, 1870.

PREAMBLE.

WHEREAS, The people of the territory of the United States, south of the river Ohio, having the right of admission into the General Government as a member State thereof, consistent with the Constitution of the United States, and the act of cession of the State of North Carolina, recognizing the ordinance for the government of the territory of the United States northwest of the Ohio River, by their Delegates and Representatives in Convention assembled, did, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution, or form of government, and mutually agreed with each other to form themselves into a free and independent State, by the name of the State of Tennessee; and,

[Note.—Preamble to Constitution of 1796, repeated in that of 1834.]

WHEREAS, The General Assembly of the said State of Tennessee (pursuant to the third Section of the tenth Article of the Constitution), by an act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An act to provide for the calling of a Convention, PASSED IN OBEEDIENCE TO THE DECLARED WILL OF THE VOTERS OF THE STATE, AS EXPRESSED AT THE GENERAL ELECTION OF AUGUST, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE, did authorize and provide for the election by the people of Delegates and Representatives, to meet at Nashville, in Davidson County, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending or changing the Constitution; AND SAID CONVENTION DID ACCORDINGLY MEET AND FORM A CONSTITUTION, WHICH WAS SUBMITTED TO THE PEOPLE, AND WAS RATIFIED BY THEM ON THE FIRST FRIDAY IN MARCH, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE; AND,

[Note.—The language of the preamble to the Constitution of 1834, except the words in SMALL CAPITALS, which were added.]

WHEREAS, The General Assembly of said State of Tennessee, under and in virtue of the first Section of the first Article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the State, by an act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a Convention by the people of the State, to meet at Nashville on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or of forming and making a new Constitution; and

WHEREAS, The people of the State, in the mode provided by said act, have called said Convention, and elected delegates to represent them therein; now, therefore,

We, the Delegates and Representatives of the People of the State of Tennessee, elected and in Convention assembled, in pursuance of the said Act of Assembly, have ordained and established the following amended Constitution and form of government for this State, which we recommend to the people of Tennessee for their ratification; that is to say:

[Note.—The language of the preamble to the Constitution of 1834.]

ARTICLE I.—DECLARATION OF RIGHTS.

SECTION 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

[Note.—Const. of 1796, Art. XI, Sec. 1; 1834, Art. I, Sec. 1.]

SEC. 2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

[Note.—Const. of 1796, Art. XI, Sec. 2; 1834, Art. I, Sec. 2.]

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere

with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

[Note.—Const. of 1796, Art. XI, Sec. 3; 1834, Art. I, Sec. 3.]

SEC. 4. That no POLITICAL or religious test, OTHER THAN AN OATH TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THIS STATE, shall ever be required as a qualification to any office or public trust under this State.

[Note.—The language is the same as Sec. 4, Art. XI, Const. of 1796, and Sec. 4, Art. I, of 1834, except the words in SMALL CAPITALS.]

SEC. 5. That elections shall be free and equal, AND THE RIGHT OF SUFFRAGE, AS HEREINAFTER DECLARED, SHALL NEVER BE DENIED TO ANY PERSON ENTITLED THERETO, EXCEPT UPON A CONVICTION BY A JURY OF SOME INFAMOUS CRIME, PREVIOUSLY ASCERTAINED AND DECLARED BY LAW, AND JUDGMENT THEREON, BY A COURT OF COMPETENT JURISDICTION.

[Note.—Const. of 1796, Art. XI, Sec. 5, and 1834, Art. I, Sec. 5, except the words in SMALL CAPITALS.]

SEC. 6. That the right of trial by jury shall remain inviolate, AND NO RELIGIOUS OR POLITICAL TEST SHALL EVER BE REQUIRED AS A QUALIFICATION FOR JURORS.

[Note.—Const. of 1796, Art. XI, Sec. 6, and 1834, Art. I, Sec. 6, except the words in SMALL CAPITALS.]

SEC. 7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

[Note.—Const. of 1796, Art. XI, Sec. 7; 1834, Art. I, Sec. 7.]

SEC. 8. That no man shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

[Note.—Const. of 1796, Art. XI, Sec. 8. The Const. of 1834, Art. I, Sec. 8, says, "That no FREE man," etc.]

SEC. 9. That in all criminal prosecutions the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

[Note.—Const. of 1796, Art. XI, Sec. 9. The Const. of 1834, Art. I, Sec. 9, says, "An impartial jury of the county OR DISTRICT," etc.]

SEC. 10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

[Note.—Const. of 1796, Art. XI, Sec. 10; 1834, Art. I, Sec. 10.]

SEC. 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no ex post facto law shall be made.

[Note.—Const. of 1796, Art. XI, Sec. 11; 1834, Art. I, Sec. 11.]

SEC. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest, as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

[Note.—Const. of 1796, Art. XI, Sec. 12; 1834, Art. I, Sec. 12.]

SEC. 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

[Note.—Const. of 1796, Art. XI, Sec. 13; 1834, Art. I, Sec. 13.]

SEC. 14. That no person shall be put to answer any criminal charge but by presentment, indictment, or impeachment.

[Note.—Const. of 1796, Art. XI, Sec. 14; 1834, Art. I, Sec. 14.]

SEC. 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great. And the privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

[Note.—Const. of 1834, Art. I, Sec. 15. The Const. of 1796, Art. XI, Sec. 15, omits the words, "the General Assembly shall declare."]

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[Note.—Const. of 1796, Art. XI, Sec. 16; 1834, Art. I, Sec. 16.]

SEC. 17. That all courts shall be open; and every man, for any injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and

justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may, by law, direct.

[Note.—Const. of 1834, Art. I, Sec. 17. The Const. of 1796, Art. XI, Sec. 17, adds the words, "Provided, the right of bringing suit be limited to the citizens of this State."]

Sec. 18. The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

[Note.—Const. of 1796, Art. XI, Sec. 18, and 1834, Art. I, Sec. 18, were in these words:

"That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law."]

Sec. 19. That the printing presses shall be free to every person to examine the proceedings of the Legislature, or of any branch or officer of the government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of men, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

[Note.—Const. of 1796, Art. XI, Sec. 19; 1834, Art. I, Sec. 19.]

Sec. 20. That no retrospective law, or law impairing the obligation of contracts, shall be made.

[Note.—Const. of 1796, Art. XI, Sec. 20; 1834, Art. I, Sec. 20.]

Sec. 21. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

[Note.—Const. of 1796, Art. XI, Sec. 21; 1834, Art. I, Sec. 21.]

Sec. 22. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

[Note.—Const. of 1834, Art. I, Sec. 22. The Const. of 1796, Art. XI, Sec. 23, adds to the section the words, "by law."]

Sec. 23. That the citizens have a right in a peaceable manner to assemble together for their common good, to instruct their Representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

[Note.—Const. of 1796, Art. XI, Sec. 23; 1834, Art. I, Sec. 23.]

Sec. 24. That the sure and certain defense of a free people is a well regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

[Note.—Const. of 1796, Art. XI, Sec. 24; 1834, Art. I, Sec. 24.]

Sec. 25. That no citizen of this State, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to punishment under the martial or military law. THAT MARTIAL LAW, IN THE SENSE OF THE UNRESTRICTED POWER OF MILITARY OFFICERS OR OTHERS, TO DISPOSE OF THE PERSONS, LIBERTIES, OR PROPERTY OF THE CITIZEN, IS INCONSISTENT WITH THE PRINCIPLES OF FREE GOVERNMENT, AND IS NOT CONFIDED TO ANY DEPARTMENT OF THE GOVERNMENT OF THIS STATE.

[Note.—Neither the Constitution of 1796 nor 1834 have the words in SMALL CAPITALS.

Const. of 1796, Art. XI, Sec. 25, and 1834, Art. I, Sec. 25, insert before "punishment" the word "corporal."]

Sec. 26. That the citizens of this State have a right to keep and to bear arms for their common defense. BUT THE LEGISLATURE SHALL HAVE POWER, BY LAW, TO REGULATE THE WEARING OF ARMS WITH A VIEW TO PREVENT CRIME.

[Note.—The words in SMALL CAPITALS are not in either of the old Constitutions. The others are the same, except, instead of the word "citizens," that of 1796, Art. XI, Sec. 26, uses the word "freemen," and that of 1834, Art. I, Sec. 26, the words, "free white men."]

Sec. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

[Note.—Const. of 1796, Art. XI, Sec. 27; 1834, Art. I, Sec. 27.]

Sec. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

[Note.—Const. of 1796, Art. XI, Sec. 28; 1834, Art. I, Sec. 28.]

Sec. 29. That an equal participation in the free navigation of the Mississippi is one of the inherent rights of the citizens of this State; it can not, therefore, be conceded to any prince, potentate, power, person, or persons whatever.

[Note.—Const. of 1796, Art. XI, Sec. 29; 1834, Art. I, Sec. 29.]

SEC. 30. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred in this State.

[Note.— Const. of 1796, Art. XI, Sec. 30; 1834, Art. I, Sec. 30.]

SEC. 31. That the limits and boundaries of this State being ascertained, it is declared they are as hereafter mentioned, that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain to the place where Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's Road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to the place where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of said mountain to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory northwest of the Ohio; provided, nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession act; and provided, also, that the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired by compact or agreement with other States or otherwise, although such land and territory are not included within the boundaries herein-before designated.

[Note.— Const. of 1834, Art. I, Sec. 31. The Const. of 1796, Art. XI, Sec. 32, omits the last proviso.]

SEC. 32. That the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners shall be provided for.

SEC. 33. That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.

[Note.— This section is substantially the same as Art. I, Sec. 1, of the amendments to the Constitution, adopted February 22, 1865.]

SEC. 34. The General Assembly shall make no law recognizing the right of property in man.

[Note.— This is the same as Art. I, Sec. 2, of the amendments to the Constitution, adopted February 22, 1865, except the words, "General Assembly," which are substituted for "Legislature." On the subject of Secs. 33 and 34, the Const. of 1834, Art. II, Sec. 31, provides as follows: "The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owner or owners."]

ARTICLE II.—DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government shall be divided into three distinct departments: The Legislative, Executive, and Judicial.

[Note.— Const. of 1834, Art. II, Sec. 1.]

SEC. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

[Note.— Const. of 1834, Art. II, Sec. 2.]

LEGISLATIVE DEPARTMENT.

SEC. 3. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people, who shall hold their offices for two years from the day of the general election.

[Note.— Const. of 1796, Art. I, Sec. 1, and 1834, Art. II, Sec. 3, except the words in small capitals.]

SEC. 4. An enumeration of the qualified voters, and an apportionment of the Representatives in the General Assembly, shall be made in the year one thousand eight hundred and seventy-one, and within every subsequent term of ten years.

[Note.— Const. of 1834, Art. II, Sec. 4, except the date of the first enumeration. The Const. of 1796, Art. I, Sec. 2, provides for the "enumeration of the TAXABLE inhabitants," within every "term of SEVEN years."]

SEC. 5. The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts according to the number of qualified voters in each; and shall not exceed seventy-five, until the population of the

State shall be one million and a half, and shall never exceed ninety-nine; provided, that any county having two-thirds of the ratio shall be entitled to one member.

[Note.—Const. of 1834, Art. II, Sec. 5, except that before the words, "exceed ninety-nine," the word "thereafter" is omitted. The Const. of 1796, Art. I, Sec. 2, provides for the apportionment of Representatives "among the several counties according to the number of TAXABLE INHABITANTS in each," the number never to "be less than TWENTY-TWO nor greater than TWENTY-SIX, until the number of taxable inhabitants shall be 40,000," and "never to exceed FORTY."]

Sec. 6. The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified electors in each, and shall not exceed one-third the number of Representatives. In apportioning the number of Senators among the different counties, the fraction that may be lost by any county or counties, in the apportionment of members of the House of Representatives, shall be made up to such county or counties in the Senate as near as may be practicable. When a district is composed of two or more counties, they shall be adjoining; and no county shall be divided in forming a district.

[Note.—Const. of 1834, Art. II, Sec. 6. The Const. of 1796, Art. I, Sec. 2, provided for the apportionment of Senators on the same principle applied to Representatives, of whom, it was declared, they should "never be less than one-third or more than one-half in number." See also Sec. 4.]

Sec. 7. The first election for Senators and Representatives shall be held on the second Tuesday in November, one thousand eight hundred and seventy; and forever thereafter, elections for members of the General Assembly shall be held once in two years, on the first Tuesday after the first Monday in November. Said elections shall terminate the same day.

[Note.—Const. of 1834, Art. II, Sec. 7, except the date of election is changed from "the first Thursday in August." The Const. of 1796, Art. I, Sec. 5, provides that the election should commence "on the first Thursday in August," and terminate "the succeeding day."]

Sec. 8. The first session of the General Assembly shall commence on the first Monday in October, one thousand eight hundred and seventy-one, at which time the term of service of the members shall commence, and expire on the first Tuesday in November, one thousand eight hundred and seventy-two, at which session the Governor elected on the second Tuesday in November, one thousand eight hundred and seventy, shall be inaugurated; and forever thereafter, the General Assembly shall meet on the first Monday in January next ensuing the election, at which session thereof the governor shall be inaugurated.

[Note.—The Const. of 1796, Art. I, Sec. 6, provided for the meeting of the General Assembly on the "third Monday of September," and that of 1834, Art. II, Sec. 8, on the "first Monday in October."]

Sec. 9. No person shall be a Representative unless he shall be a citizen of the United States of the age of twenty-one years, and shall have been a citizen of this State for three years, and a resident in the county he represents one year immediately preceding the election.

[Note.—Const. of 1834, Art. II, Sec. 9. The Const. of 1796 does not require a Representative to be a citizen of the United States, but provides that he shall "possess in his own right in the county which he represents, not less than 200 acres of land," Art. I, Sec. 7.]

Sec. 10. No person shall be a Senator unless he shall be a citizen of the United States of the age of thirty years, and shall have resided three years in this State, and one year in the county or district immediately preceding the election. No Senator or Representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the Executive or the General Assembly, except to the office of trustee of a literary institution.

[Note.—Const. of 1834, Art. II, Sec. 10. The Const. of 1796 makes no distinction between the qualifications of Senators and Representatives, Art. I, Sec. 7. And see Const. of 1796, Art. I, Sec. 24.]

Sec. 11. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers, he judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day. NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS TO WHICH EACH HOUSE SHALL BE ENTITLED shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

[Note.—Const. of 1796, Art. I, Sec. 8, and 1834, Art. II, Sec. 11, except the words in SMALL CAPITALS, instead of which they have the following words, "two-thirds of each house."]

Sec. 12. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the Legislature of a free State.

[Note.—Const. of 1796, Art. I, Sec. 9; 1834, Art. II, Sec. 12.]

Sec. 13. Senators and Representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to or returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

[Note.—Const. of 1796, Art. I, Sec. 10; 1834, Art. II, Sec. 13.]

Sec. 14. Each house may punish by imprisonment, during its session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or any contemptuous behavior in its presence.

[Note.—Const. of 1796, Art. I, Sec. 11, and 1834, Art. II, Sec. 14, except the word "any" before "contemptuous," which they omit.]

Sec. 15. When vacancies happen in either house, the governor for the time being shall issue writs of election to fill such vacancies.

[Note.—Const. of 1796, Art. I, Sec. 12; 1834, Art. II, Sec. 15.]

Sec. 16. Neither house shall, during its session, adjourn without the consent of the other, for more than three days, nor to any other place than that in which the two houses shall be sitting.

[Note.—Const. of 1796, Art. I, Sec. 13; 1834, Art. II, Sec. 16.]

Sec. 17. Bills may originate in either house; but may be amended, altered, or rejected by the other. No BILL SHALL BECOME A LAW, WHICH EMBRACES MORE THAN ONE SUBJECT THAT SUBJECT TO BE EXPRESSED IN THE TITLE. ALL ACTS WHICH REPEAL, REVIVE, OR AMEND FORMER LAWS, SHALL RECITE IN THEIR CAPTION, OR OTHERWISE, THE TITLE OR SUBSTANCE OF THE LAW REPEALED, REVIVED, OR AMENDED.

[Note.—Const. of 1796, Art. I, Sec. 14, and 1834, Art. II, Sec. 17, except words in SMALL CAPITALS.]

Sec. 18. Every bill shall be read once on three different days, and be passed each time in the house where it originated, before transmission to the other. No bill shall become a law until it shall have been read and passed, on three different days in each house, and shall have received on its final passage, in each house, the assent of a majority of all the members to which that house shall be entitled under this Constitution, and shall have been signed by the respective Speakers in open session—the fact of such signing to be noted on the journal; and shall have received the approval of the governor, or shall have been otherwise passed under the provisions of this Constitution.

[Note.—To show the increase of the guards thrown around the passage of laws, we give the corresponding sections of the former Constitutions, as follows: 1796, Art. I, Sec. 15, "Every bill shall be read three times, on three different days, in each house, and be signed by the respective Speakers, before it becomes a law." 1834, Art. II, Sec. 18, "Every bill shall be read once on three different days, and be passed each time in the house where it originated, before transmission to the other. No bill shall become a law, until it shall be read and passed on three different days in each house, and be signed by the respective Speakers."]

Sec. 19. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

[Note.—Const. of 1796, Art. I, Sec. 16; 1834, Art. II, Sec. 19.]

Sec. 20. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Tennessee." No LAW OF A GENERAL NATURE SHALL TAKE EFFECT UNTIL FORTY DAYS AFTER ITS PASSAGE, UNLESS THE SAME OR THE CAPTION SHALL STATE THAT THE PUBLIC WELFARE REQUIRES THAT IT SHOULD TAKE EFFECT SOONER.

[Note.—Const. of 1796, Art. I, Sec. 17, and 1834, Art. II, Sec. 20, except words in SMALL CAPITALS.]

Sec. 21. Each house shall keep a journal of its proceedings, and publish it, except such parts as the welfare of the State may require to be kept secret; the ayes and noes shall be taken in each house upon the final passage of every bill of a general character, and bills making appropriations of public moneys; and the ayes and noes of the members on any question shall, at the request of any five of them, be entered on the journal.

[Note.—Const. of 1834, Art. II, Sec. 21. The Const. of 1796, Art. I, Sec. 18, did not require a call of the ayes and noes on any question.]

Sec. 22. The doors of each house and of committees of the whole shall be kept open, unless when the business shall be such as ought to be kept secret.

[Note.—Const. of 1796, Art. I, Sec. 19; 1834, Art. II, Sec. 22.]

Sec. 23. The sum of four dollars per day, and four dollars for every twenty-five miles traveling to and from the seat of government, shall be allowed to the members of each General Assembly elected after the ratification of this Constitution, as a compensation for their services. But no member shall be paid for more than seventy-five days of a regular session, or for more than twenty days of an extra or called session; or for any day when absent from his seat in the Legislature, unless physically unable to attend. The Senators, when sitting as a court of impeachment, shall each receive four dollars per day of actual attendance.

[Note.—The Const. of 1796, Art. I, Sec. 20, limited the per diem of members to \$1.75, and mileage of the same amount for each twenty-five miles traveled, going and returning. 1834, Art. II, Sec. 23, allowed \$4.00 per day and a like sum for each twenty-five miles, to the members of the first General Assembly, and provided that "the compensation of members of the succeeding Legislatures shall be ascertained by law."]

Sec. 24. No money shall be drawn from the treasury but in consequence of appropriation made by law; and an accurate statement of the receipts and expenditures of the public money

shall be attached to and published with the laws at the rise of each stated session of the General Assembly.

[Note.—Const. of 1834, Art. II, Sec. 24. Art. I, Sec. 21, of the Const. of 1796, contains only the first clause of the section, to the word "law."]

SEC. 25. No person who heretofore hath been, or may hereafter be, a collector or holder of public moneys, shall have a seat in either house of the General Assembly, OR HOLD ANY OTHER OFFICE UNDER THE STATE GOVERNMENT, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

[Note.—Const. of 1796, Art. I, Sec. 22, and 1834, Art. II, Sec. 25, except the words in SMALL CAPITALS.]

SEC. 26. No judge of any court of law or equity, Secretary of State, Attorney General, Register, Clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly, nor shall any person in this State hold more than one lucrative office at the same time; provided, that no appointment in the militia, or to the office of Justice of the Peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either house of the General Assembly.

[Note.—Const. of 1834, Art. II, Sec. 26, and substantially, Const. of 1796, Art. I, Sec. 23.]

SEC. 27. Any member of either house of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and to have the reasons for his dissent entered on the journals.

[Note.—Const. of 1796, Art. I, Sec. 25; 1834, Art. II, Sec. 27.]

SEC. 28. All property, real, personal, or mixed, shall be taxed, but the Legislature may except such as may be held by the State, by counties, cities, or towns, and used exclusively for public or corporation purposes, and such as may be held and used for purposes purely religious, charitable, scientific, literary, or educational, and shall except one thousand dollars' worth of personal property in the hands of each taxpayer, and the direct product of the soil in the hands of the producer and his immediate vendee. All property shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that taxes shall be equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of the same value. But the Legislature shall have power to tax merchants, peddlers, and privileges in such manner as they may from time to time direct.

The portion of a merchant's capital used in the purchase of merchandise sold by him to non-residents and sent beyond the State, shall not be taxed at a rate higher than the ad valorem tax on property.

The Legislature shall have the power to levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem.

All male citizens of this State over the age of twenty-one years, except such persons as may be exempted by law on account of age or other infirmity, shall be liable to a poll tax of not less than fifty cents nor more than one dollar per annum. Nor shall any county or corporation levy a poll tax exceeding the amount levied by the State.

[Note.—Const. of 1796, Art. I, Sec. 26, was as follows: "All lands liable to taxation in this State held by deed, grant, or entry, shall be taxed equal and uniform, in such manner that no one hundred acres shall be taxed higher than another, except town lots, which shall not be taxed higher than two hundred acres of land each. No freeman shall be taxed higher than one hundred acres, and no slave higher than two hundred acres on each poll."]

Const. of 1834, Art. II, Sec. 28, was as follows: "All lands, liable to taxation, held by deed, grant, or entry, town lots, bank stocks, slaves between the ages of twelve and fifty years, and such other property as the Legislature may from time to time deem expedient, shall be taxable. All property shall be taxed according to its value; that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value. But the Legislature shall have power to tax merchants, peddlers, and privileges, in such manner as they may from time to time direct. A tax on white polls shall be laid in such manner, and of such an amount, as may be prescribed by law."]

SEC. 29. The General Assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value upon the principles established in regard to State taxation. But the credit of no county, city, or town shall be given or loaned to or in aid of any person, company, association, or corporation, except upon an election to be first held by the qualified voters of such county, city, or town, and the assent of three-fourths of the votes cast at said election. Nor shall any county, city, or town become a stockholder with others in any company, association, or corporation, except upon a like election and the assent of a like majority. But the counties of Grainger, Hawkins, Hancock, Union, Campbell, Scott, Morgan, Grundy, Sumner, Smith, Fentress, Van Buren, White, Putnam, Overton, Jackson, Cumberland, Anderson, Henderson, Wayne, Marshall, Cocke, Coffee, Macon, and the new county herein authorized to be established out of fractions of Sumner, Macon, and Smith counties, and Roane, shall be excepted out of the provisions of this section, so far that the assent of a majority of the qualified voters of either of said counties voting on the question shall be sufficient, when the credit of such county is given or loaned to any person, associa-

tion, or corporation; provided, that the exception of the counties above named shall not be in force beyond the year one thousand eight hundred and eighty, and after that period they shall be subject to the three-fourths majority applicable to the other counties of the State.

[Note.—The first sentence in this section, to the word "taxation," is the same as Sec. 29, Art. II, Const. of 1834. There is no section on the same subject in the Constitution of 1796.]

SEC. 30. No article manufactured of the produce of this State shall be taxed otherwise than to pay inspection fees.

[Note.—Const. of 1796, Art. I, Sec. 27; 1834, Art. II, Sec. 30.]

SEC. 31. The credit of this State shall not be hereafter loaned or given to or in aid of any person, association, company, corporation, or municipality, nor shall the State become the owner, in whole or in part, of any bank, or a stockholder with others, in any association, company, corporation, or municipality.

SEC. 32. No Convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States; unless such Convention or General Assembly shall have been elected after such amendment is submitted.

SEC. 33. No bonds of the State shall be issued to any railroad company which, at the time of its application for the same, shall be in default in paying the interest upon the State bonds previously loaned to it, or that shall hereafter and before such application, sell or absolutely dispose of any State bonds loaned to it for less than par.

ARTICLE III.—EXECUTIVE DEPARTMENT.

SECTION I. The supreme executive power of this State shall be vested in a governor.

[Note.—Const. of 1796, Art. II, Sec. 1; 1834, Art. III, Sec. 1.]

SEC. 2. The governor shall be chosen by the electors of the members of the General Assembly, at the time and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up, and transmitted to the seat of government by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint vote of both houses of the General Assembly. Contested elections for governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

[Note.—Const. of 1796, Art. II, Sec. 2; 1834, Art. III, Sec. 2.]

SEC. 3. He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election.

[Note.—Const. of 1834, Art. III, Sec. 3. The Const. of 1796, Art. II, Sec. 3, required the governor to be at least twenty-one years of age and possess a freehold estate of five hundred acres of land, and that he should have been a citizen or inhabitant of this State four years next before his election.]

SEC. 4. The governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

[Note.—Const. of 1834, Art. III, Sec. 4, and substantially, 1796, Art. II, Sec. 4.]

SEC. 5. He shall be commander in chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States; BUT THE MILITIA SHALL NOT BE CALLED INTO SERVICE EXCEPT IN CASE OF REBELLION OR INVASION, AND THEN ONLY WHEN THE GENERAL ASSEMBLY SHALL DECLARE BY LAW THAT THE PUBLIC SAFETY REQUIRES IT.

[Note.—Const. of 1796, Art. II, Sec. 5, and 1834, Art. III, Sec. 5, except the words in SMALL CAPITALS.]

SEC. 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

[Note.—Const. of 1796, Art. II, Sec. 6; 1834, Art. III, Sec. 6.]

SEC. 7. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

[Note.—Const. of 1796, Art. II, Sec. 7; 1834, Art. III, Sec. 7.]

SEC. 8. He may require information, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices.

[Note.—Const. of 1796, Art. II, Sec. 8; 1834, Art. III, Sec. 8.]

SEC. 9. He may, on extraordinary occasions, convene the General Assembly by proclamation, IN WHICH HE SHALL STATE SPECIFICALLY THE PURPOSES FOR WHICH THEY ARE TO CONVENE; but they shall enter on no legislative business except that for which they were specifically called together.

[Note.—Const. of 1834, Art. III, Sec. 9, except words in SMALL CAPITALS, instead of which it has the following: "and shall state to them when assembled, the purposes for which they shall have been convened." The Const. of 1796 did not have any restriction upon the business whereon they might enter. See 1796, Art. II, Sec. 9.]

SEC. 10. He shall take care that the laws be faithfully executed.

[Note.—Const. of 1796, Art. II, Sec. 10; 1834, Art. III, Sec. 10.]

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend for their consideration such measures as he shall judge expedient.

[Note.—Const. of 1796, Art. II, Sec. 11; 1834, Art. III, Sec. 11.]

SEC. 12. In case of the removal of the governor from office, or of his death or resignation, the powers and duties of the office shall devolve on the Speaker of the Senate; and in case of the death, removal from office, or resignation of the Speaker of the Senate, the powers and duties of the office shall devolve upon the Speaker of the House of Representatives.

[Note.—Const. of 1834, Art. III, Sec. 12. The Const. of 1796 did not provide for the contingency of the death, removal from office, or resignation of the Speaker of the Senate.]

SEC. 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of governor.

[Note.—Const. of 1796, Art. II, Sec. 13; 1834, Art. III, Sec. 13.]

SEC. 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the office, by the expiration of the term, or by other means, become vacant, the governor shall have power to fill such vacancy by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

[Note.—Const. of 1834, Art. III, Sec. 14, and, substantially, 1796, Art. II, Sec. 14.]

SEC. 15. There shall be a seal of this State, which shall be kept by the governor and used by him officially, and shall be called the GREAT SEAL OF THE STATE OF TENNESSEE.

[Note.—Const. of 1796, Art. II, Sec. 15; 1834, Art. III, Sec. 15.]

SEC. 16. All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State Seal, and signed by the governor.

[Note.—Const. of 1796, Art. II, Sec. 16; 1834, Art. III, Sec. 16.]

SEC. 17. A Secretary of State shall be appointed by joint vote of the General Assembly, and commissioned during the term of four years; he shall keep a fair register of all the official acts and proceedings of the governor; and shall, when required, lay the same and all papers, minutes, and vouchers relative thereto, before the General Assembly; and shall perform such other duties as shall be enjoined by law.

[Note.—Const. of 1834, Art. III, Sec. 17, and, substantially, 1796, Art. II, Sec. 17.]

SEC. 18. Every bill which may pass both houses of the General Assembly shall, before it becomes a law, be presented to the governor for his signature. If he approve, he shall sign it, and the same shall become a law; but if he refuse to sign it, he shall return it, with his objections thereto in writing, to the house in which it originated; and said house shall cause said objections to be entered at large upon its journal, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, notwithstanding the objections of the Executive, it shall be sent, with said objections to the other house, by which it shall be likewise reconsidered. If approved by a majority of the whole number elected to that house, it shall become a law. The votes of both houses shall be determined by yeas and nays, and the names of all the members voting for or against the bill shall be entered upon the journals of their respective houses. If the governor shall fail to return any bill, with his objections, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law without his signature, unless the General Assembly, by its adjournment, prevents its return, in which case it shall not become a law. Every joint resolution or order (except on questions of adjournment) shall likewise be presented to the governor for his signature, and before it shall take effect shall receive his signature; and on being disapproved by him shall, in like manner, be returned with his objections; and the same, before it shall take effect, shall be repassed by a majority of all the members elected to both houses, in the manner and according to the rules prescribed in case of a bill.

ARTICLE IV.—ELECTIONS.

SECTION 1. Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months, and of the county wherein he may offer his vote for six months next preceding the day of election, shall be entitled to vote for members of the General Assembly, and other civil officers for the county or district in which he resides; and there shall be no qualification attached to the right of suffrage, except that each voter shall give to the judges of election, where he offers to vote, satisfactory evidence that he has paid his poll taxes assessed against him for such preceding period as the Legislature shall prescribe, and at such time as may be prescribed by law; without which his vote can not be received. And all male citizens of the State shall be subject to the payment of poll taxes and the performance of military duty within such ages as may be prescribed by law. The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of elections and the purity of the ballot-box.

[Note.—Under the Const. of 1796, Art. III, Sec. 1, suffrage was restricted to freemen, otherwise qualified, possessing a freehold. That of 1834, Art. IV, Sec. 1, confined it to free white men, and exempted free men of color from military duty, and from paying a free poll tax.]

Sec. 2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

[Note.—Const. of 1834, Art. IV, Sec. 2.]

Sec. 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest or summons, during their attendance at elections, and in going to and returning from them.

[Note.—Const. of 1834, Art. IV, Sec. 3; 1796, Art. III, Sec. 2, except the words, "or summons," which are there omitted.]

Sec. 4. In all elections to be made by the General Assembly, the members thereof shall vote viva voce, and their votes shall be entered on the journal. All other elections shall be by ballot.

[Note.—Const. of 1834, Art. IV, Sec. 4. 1796, Art. III, Sec. 3, was in these words: "All elections shall be by ballot."]

ARTICLE V.—IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

[Note.—Const. of 1796, Art. IV, Sec. 1; 1834, Art. V, Sec. 1.]

Sec. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and the Chief Justice of the Supreme Court, or if he be on trial, the Senior Associate Judge, shall preside over them. No person shall be convicted without the concurrence of two-thirds of the Senators sworn to try the officer impeached.

[Note.—Const. of 1796, Art. IV, Secs. 2 and 3, and 1834, Art. V, Sec. 2, except the words in SMALL CAPITALS.]

Sec. 3. The House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned sine die, when the Senate shall proceed to try such impeachment.

[Note.—Const. of 1834, Art. V, Sec. 3.]

Sec. 4. The Governor, Judges of the Supreme Court, Judges of the inferior courts, Chancellors, Attorneys for the State, TREASURER, COMPTROLLER, and Secretary of State, shall be liable to impeachment whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity which may require disqualification; but judgment shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law. THE LEGISLATURE NOW HAS, AND SHALL CONTINUE TO HAVE, POWER TO RELIEVE FROM THE PENALTIES IMPOSED, ANY PERSON DISQUALIFIED FROM HOLDING OFFICE BY THE JUDGMENT OF THE COURT OF IMPEACHMENT.

[Note.—Const. of 1834, Art. V, Sec. 4, except the words in SMALL CAPITALS. The Const. of 1796, Art. IV, Sec. 4, was substantially the same as that of 1834, only it applied to the Governor and "all civil officers."]

Sec. 5. Justices of the Peace, and other civil officers, not hereinbefore mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and, upon conviction, shall be removed from office by said court, as if found guilty on impeachment; and shall be subject to such other punishment as may be prescribed by law.

[Note.—Const. of 1834, Art. V, Sec. 5.]

ARTICLE VI.—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, and in such Circuit, Chancery, and other inferior courts as the Legislature shall, from time to time, ordain and establish, in the Judges thereof, and in Justices of the Peace. The Legislature may also vest such jurisdiction in corporation courts as may be deemed necessary; courts to be held by Justices of the Peace may also be established.

[Note.—Const. of 1834, Art. VI, Secs. 1 and 3, in substance, except the words "Circuit" and "Chancery," which it does not contain. The Const. of 1796 vested the judicial power "in such superior and inferior courts of law and equity" as the Legislature might establish, Art. V, Sec. 1.]

Sec. 2. The Supreme Court shall consist of five Judges, of whom not more than two shall reside in any one of the grand divisions of the State. The Judges shall designate one of their own number who shall preside as Chief Justice. The concurrence of three of the Judges shall, in every case, be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may, from time to time, be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court; said court shall be held at Knoxville, Nashville, and Jackson.

[Note.—Const. of 1834, Art. VI, Sec. 2, provides that the Supreme Court shall consist of "three" Judges; does not require one to be designated as Chief Justice; and requires the court to be held at "one place, and one place only," in each of the three grand divisions. Otherwise it does not differ in substance from the above section.]

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified voters of the State. The Legislature shall have power to prescribe such rules as may be necessary to carry out the provisions of Section 2, of this Article. Every Judge of the Supreme Court shall be thirty-five years of age, and shall, before his election, have been a resident of the State for five years. His term of service shall be eight years.

[Note.—Under Const. of 1834, Art. VI, Sec. 3, Judges are elected by joint vote of both houses of the General Assembly, and the term of Supreme Judges is fixed at twelve years. The five years' residence was not required. By amendment ratified in 1853, Judges of the Supreme Court were to be elected by the qualified voters of the State at large for the term of eight years. Under the Const. of 1796, Art. V, Sec. 2, all Judges were to be elected by the General Assembly, and hold office during good behavior.]

SEC. 4. The Judges of the Circuit and Chancery Courts, and of other inferior courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every Judge of such courts shall be thirty years of age, and shall, before his election, have been a resident of the State for five years, and of the circuit or district one year. His term of service shall be eight years.

[Note.—1853 Amendment to the Const. of 1834, Art. VI, Secs. 3 and 4, in substance, except the words "Circuit and Chancery," and the five years' residence in the State, and one year in the circuit or district. Const. of 1796, Art. V, Sec. 2, provided for the election of all Judges by the Legislature, and that they should hold office during good behavior.]

SEC. 5. An Attorney General and Reporter for the State, shall be appointed by the Judges of the Supreme Court, and shall hold his office for a term of eight years. An Attorney for the State for any circuit or district for which a Judge having criminal jurisdiction shall be provided by law, shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the State for five years, and of the circuit or district, one year. In all cases where the Attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an Attorney pro tempore.

[Note.—By 1853 Amendment to Const. of 1834, Art. VI, Sec. 5, the Attorney General was elected by the people, for a term of six years. Circuit or District Attorneys were elected for six years, and were not required to have been five years residents of the State, or one year of the circuit or district. Const. of 1796, Art. V, Sec. 2, the attorney or attorneys for the State were elected by the Legislature.]

SEC. 6. Judges and Attorneys for the State may be removed from office by a concurrent vote of both houses of the General Assembly, each house voting separately; but two-thirds of the MEMBERS TO WHICH EACH HOUSE MAY BE ENTITLED must concur in such vote; the vote shall be determined by ayes and noes, and the names of the members voting for or against the Judge or Attorney for the State, together with the cause or causes of removal, shall be entered on the journal of each house respectively. The Judge or Attorney for the State, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either house of the General Assembly shall act thereupon.

[Note.—Const. of 1834, Art. VI, Sec. 6, except words in SMALL CAPITALS, instead of which it used these words: "all the members elected to each house."]

SEC. 7. The Judges of the Supreme or inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any office of trust or profit under this State or the United States.

[Note.—Const. of 1834, Art. VI, Sec. 7. The Const. of 1796, Art. V, Sec. 3, omitted the words, "which shall not be increased or diminished during the time for which they are elected." Otherwise it was substantially the same.]

SEC. 8. The jurisdiction of the Circuit, Chancery, and other inferior courts, shall be as now established by law, until changed by the Legislature.

[Note.—Const. of 1834, Art. VI, Sec. 8, was as follows: "The jurisdiction of such inferior courts as the Legislature may, from time to time, establish, shall be regulated by law."]

SEC. 9. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

[Note.—Const. of 1834, Art. VI, Sec. 9; and, substantially, 1796, Art. V, Sec. 5.]

SEC. 10. The Judges or Justices of inferior courts of law and equity, shall have power in civil cases, to issue writs of certiorari, to remove any cause or the transcript of the record thereof, from any inferior jurisdiction into such court of law, on sufficient cause, supported by oath or affirmation.

[Note.—Substantially, Const. of 1796, Art. V, Sec. 7, and 1834, Art. VI, Sec. 10.]

SEC. 11. No Judge of the Supreme or inferior courts shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be

connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus disqualified from presiding on the trial of any cause or causes, the court or the Judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men, of law knowledge, for the trial and determination thereof. THE LEGISLATURE MAY, BY GENERAL LAWS, MAKE PROVISION THAT SPECIAL JUDGES MAY BE APPOINTED TO HOLD ANY COURT, THE JUDGE OF WHICH SHALL BE UNABLE OR FAIL TO ATTEND, OR SIT, OR TO HEAR ANY CAUSE IN WHICH THE JUDGE MAY BE INCOMPETENT.

[Note.—Const. of 1834, Art. VI, Sec. 11, down to the words in SMALL CAPITALS, instead of which it has the following: "In case of sickness of any of the Judges of the Supreme or inferior courts, so that they or any of them are unable to attend, the Legislature shall be authorized to make provision, by general laws, that special Judges may be appointed to attend said courts." The Const. of 1796, Art. V, Sec. 8, on the same subject, was not so full.]

SEC. 12. All writs and other process shall run in the name of the State of Tennessee; and bear test and be signed by the respective clerks. Indictments shall conclude, "against the peace and dignity of the State."

[Note.—Const. of 1796, Art. V, Sec. 9; 1834, Art. VI, Sec. 12.]

SEC. 13. Judges of the Supreme Court shall appoint their clerks, who shall hold their offices for six years. Chancellors shall appoint their clerks and masters, who shall hold their offices for six years. Clerks of the inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters thereof for the term of four years. Any clerk may be removed from office for malfeasance, incompetency, or neglect of duty, in such manner as may be prescribed by law.

[Note.—Substantially, Const. of 1834, Art. VI, Sec. 13. The Const. of 1796, Art. V, Sec. 10, was as follows: "Each court shall appoint its own clerk, who may hold his office during good behavior."]

SEC. 14. No fine shall be laid on any citizen of this State, that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

[Note.—Const. of 1796, Art. V, Sec. 11; 1834, Art. VI, Sec. 14.]

SEC. 15. The different counties of this State shall be laid off as the General Assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles. There shall be two Justices of the Peace and one constable elected in each district, by the qualified voters therein, except districts including county towns, which shall elect three Justices and two constables. The jurisdiction of said officers shall be coextensive with the county. Justices of the Peace shall be elected for the term of six, and constables for the term of two years. Upon removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the Peace shall be commissioned by the Governor. The Legislature shall have power to provide for the appointment of an additional number of Justices of the Peace in incorporated towns.

[Note.—Const. of 1834, Art. VI, Sec. 15. The Const. of 1796, Art. V, Sec. 12, provided for the appointment of two Justices of the Peace for each captain's company, except that including the county town, which should not exceed three, who should hold their offices during good behavior.]

ARTICLE VII.—STATE AND COUNTY OFFICERS.

SECTION 1. There shall be elected in each county, by the qualified voters therein, one Sheriff, one Trustee, one Register; the Sheriff and Trustee for two years, and the Register for four years; but no person shall be eligible to the office of Sheriff more than six years in any term of eight years. There shall be elected for each county, by the Justices of the Peace, one Coroner and one Ranger, who shall hold their offices for two years. Said officers shall be removed for malfeasance or neglect of duty, in such manner as may be prescribed by law.

[Note.—Const. of 1834, Art. VII, Sec. 1. Under the Const. of 1796, Art. VI, Sec. 1, all these officers were to be elected by the County Court, some for two years, and some during good behavior.]

SEC. 2. Should a vacancy occur, subsequent to an election, in the office of Sheriff, Trustee, or Register, it shall be filled by the Justices; if in that of the Clerk to be elected by the people, it shall be filled by the courts; and the person so appointed shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the county officers.

[Note.—Const. of 1834, Art. VII, Sec. 2.]

SEC. 3. There shall be a Treasurer or Treasurers and a Comptroller of the Treasury appointed for the State, by the vote of both houses of the General Assembly, who shall hold their offices for two years.

[Note.—Neither the Const. of 1834, Art. VII, Sec. 3, nor 1796, Art. VI, Sec. 2, provided for the appointment of a "Comptroller of the Treasury."]

SEC. 4. The election of all officers and the filling of all vacancies not otherwise directed or provided by this Constitution, shall be made in such manner as the Legislature shall direct.

[Note.—Substantially, Const. of 1834, Art. VII, Sec. 4. The Const. of 1796, Art. VI, Sec. 3, vested the appointment of all officers, not otherwise directed, in the Legislature.]

SEC. 5. Elections for judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred and seventy, and forever thereafter on the first Thursday in August next preceeding the expiration of their respective terms of service.

The term of each officer so elected shall be computed from the first day of September next succeeding his election. The term of office of the Governor and other executive officers, shall be computed from the 15th day of January next after the election of the Governor. No appointment or election to fill a vacancy shall be made for a period extending beyond the unexpired term. Every officer shall hold his office until his successor is elected or appointed and qualified. No special election shall be held to fill a vacancy in the office of Judge or District Attorney, but at the time herein fixed for the biennial election of civil officers. And such vacancy shall be filled at the next biennial election occurring more than thirty days after the vacancy occurs.

[Note.—The Const. of 1834, Art. VII, Sec. 5, provided only for holding elections one day and that county and other officers should not be elected at the same time the general elections were held for members of Congress, members of the Legislature and Governor. And by an Amendment, adopted in 1853, the Legislature was required to appoint a day for the election of Judges and Attorneys General separate and apart from the day for holding the election for State and county officers.]

ARTICLE VIII.—MILITIA.

SECTION 1. All militia officers shall be elected by persons subject to military duty, within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

[Note.—Const. of 1834, Art. VIII, Sec. 1. Under the Const. of 1796, Art. VII, Secs. 1, 2, 3, 4, and 6, captains, subalterns, and non-commissioned officers were elected by those citizens of the district who were subject to military duty; field officers by those of the county; brigadier generals by the field officers of the brigades; and major generals by the brigadiers and field officers of the divisions. Captains and subalterns of cavalry were appointed by the troops of the company, and the field officers of the district by the captains and subalterns.]

SEC. 2. The Governor shall appoint the Adjutant General, and his other staff officers; the Major Generals, Brigadier Generals, and commanding officers of regiments, shall respectively appoint their staff officers.

[Note.—Const. of 1834, Art. VIII, Sec. 2; and see Const. of 1796, Art. VII, Sec. 5.]

SEC. 3. The Legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to bearing arms, from attending private and general musters.

[Note.—Const. of 1796, Art. VII, Sec. 7; 1834, Art. VIII, Sec. 3.]

ARTICLE IX.—DISQUALIFICATIONS.

SECTION 1. Whereas, ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel or priest of any denomination whatever, shall be eligible to a seat in either house of the Legislature.

[Note.—Const. of 1796, Art. VIII, Sec. 1; 1834, Art. IX, Sec. 1.]

SEC. 2. No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

[Note.—Const. of 1796, Art. VIII, Sec. 2; 1834, Art. IX, Sec. 2.]

SEC. 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send, or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

[Note.—Const. of 1834, Art. IX, Sec. 3.]

ARTICLE X.—OATHS, BRIBERY OF ELECTORS, NEW COUNTIES.

SECTION 1. Every person who shall be chosen or appointed to any office of trust or profit under this Constitution, or any law made in pursuance thereof, shall, before entering upon the duties thereof, take an oath to support the Constitution of this State, and of the United States, and an oath of office.

[Note.—Const. of 1834, Art. X, Sec. 1. The Const. of 1796, Art. IX, Sec. 1, did not require an oath to support the Constitution of the United States.]

SEC. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation to support the Constitution of this State,

and of the United States, and also the following oath: "I, ———, do solemnly swear (or affirm) that, as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people, or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State."

[Note.—Const. of 1834, Art. X, Sec. 2. The Const. of 1796, Art. IX, Sec. 2, is the same, except that it does not require an oath to support the Constitution of the United States.]

SEC. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable, for six years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

[Note.—Const. of 1796, Art. IX, Sec. 3; 1834, Art. X, Sec. 3.]

SEC. 4. New counties may be established by the Legislature, to consist of not less than two hundred and seventy-five square miles, and which shall contain a population of seven hundred qualified voters. No line of such county shall approach the court house of any old county, from which it may be taken, nearer than eleven miles, nor shall said old county be reduced to less than five hundred square miles. But the following exceptions are made to the foregoing provisions, viz.: New counties may be established by the present or any succeeding Legislature, out of the following territory, to wit: Out of that portion of Obion County which lies west of low-water mark of Reelfoot Lake; out of fractions of Sumner, Macon, and Smith counties, but no line of such new county shall approach the court house of Sumner or Smith counties nearer than ten miles, nor include any part of Macon County lying within 9½ miles of the court house of said county; nor shall more than twenty square miles of Macon County, nor any part of Sumner County lying due west of the western boundary of Macon County, be taken in the formation of said new county; out of fractions of Grainger and Jefferson counties, but no line of such new county shall include any part of Grainger County north of Holston River; nor shall any line thereof approach the court house of Jefferson County nearer than eleven miles; such new county may include any other territory which is not excluded by any general provisions of this Constitution; out of fractions of Jackson and Overton counties, but no line of such new county shall approach the court house of Jackson or Overton counties nearer than ten miles; nor shall such county contain less than four hundred qualified voters, nor shall the area of either of the old counties be reduced below four hundred and fifty square miles; out of fractions of Roane, Monroe, and Blount counties, around the town of Loudon, but no line of such new county shall ever approach the towns of Maryville, Kingston, or Madisonville nearer than eleven miles, except that on the south side of Tennessee River said lines may approach as near as ten miles to the court house of Roane County.

The counties of Lewis, Cheatham, and Sequatchie, as now established by legislative enactments, are hereby declared to be constitutional counties. No part of Bledsoe County shall be taken to form a new county, or a part thereof, or be attached to any adjoining county.

That portion of Marion County, included within the following boundaries: Beginning on the Grundy and Marion county line, at the Nick-a-jack Trace, and running about six hundred yards west of Ben Posey's, to where the Tennessee Coal Railroad crosses the line, running thence southeast, through the Pocket, near William Sumner's, crossing the Battle Creek Gulf at the corner of Thomas Wooten's field; thence running across the Little Gizzard Gulf at Raven Point; thence in a direct line to the bridge crossing the Big Fiery Gizzard; thence in a direct line to the mouth of Holy Water Creek; thence up said creek to the Grundy County line, and thence with said line to the beginning, is hereby detached from Marion County, and attached to the County of Grundy.

No part of a county shall be taken off to form a new county, or a part thereof, without the consent of two-thirds of the qualified voters in such part taken off. And, where an old county is reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the Legislature, nor shall the seat of justice of any county be removed without the concurrence of two-thirds of the qualified voters of the county. But the foregoing provision requiring a two-thirds majority of the voters of a county to remove its county seat, shall not apply to the counties of Obion and Cocke.

The fractions taken from old counties to form new counties, or taken from one county and added to another, shall continue liable for their pro rata of all debts contracted by their respective counties prior to the separation, and be entitled to their proportion of any stocks or credits belonging to such old counties.

[Note.—Const. of 1796, Art. IX, Sec. 4, prohibited the formation of new counties with less than 625 square miles, or the reduction of old counties to a less content. The Const. of 1834, Art. X, Sec. 4, allowed the formation of new counties of not less than 350 square miles, and 450 qualified voters, but prohibited the reduction of an old county to less than 625 square miles, or the approach of the line of a new county nearer than twelve miles of the court house of any old county.]

SEC. 5. The citizens who may be included in any new county shall vote with the county or counties, from which they may have been stricken off, for the members of Congress, for

governor, and for members of the General Assembly, until the next apportionment of members to the General Assembly after the establishment of such new county.

[Note.—Const. of 1834, Art. X, Sec. 5. On this subject the Const. of 1796, Art. IX, Sec. 4, provided that "All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation."]

ARTICLE XI.—MISCELLANEOUS PROVISIONS.

SECTION 1. All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use until they shall expire, or be altered or repealed by the Legislature. BUT ORDINANCES CONTAINED IN ANY FORMER CONSTITUTION OR SCHEDULE THERETO, ARE HEREBY ABROGATED.

[Note.—Const. of 1796, Art. X, Sec. 2, and 1834, Art. XI, Sec. 1, except the words in SMALL CAPITALS.]

SEC. 2. Nothing contained in this Constitution shall impair the validity of any debts or contracts, or affect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

[Note.—Const. of 1834, Art. XI, Sec. 2.]

SEC. 3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen; and shall be published six months previous to the time of making such choice; and if in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as the General Assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments, by a majority of all the citizens of the State, voting for Representatives, voting in their favor, such amendment or amendments shall become a part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of said sessions, be read three times on three several days in each house. The Legislature shall not propose amendments to the Constitution oftener than once in six years. THE LEGISLATURE SHALL HAVE THE RIGHT, AT ANY TIME, BY LAW, TO SUBMIT TO THE PEOPLE THE QUESTION OF CALLING A CONVENTION TO ALTER, REFORM, OR ABOLISH THIS CONSTITUTION, AND WHEN, UPON SUCH SUBMISSION, A MAJORITY OF ALL THE VOTES CAST SHALL BE IN FAVOR OF SAID PROPOSITION, THEN DELEGATES SHALL BE CHOSEN, AND THE CONVENTION SHALL ASSEMBLE IN SUCH MODE AND MANNER AS SHALL BE PRESCRIBED.

[Note.—Const. of 1834, Art. XI, Sec. 3, except the words in SMALL CAPITALS, which are new. See Const. of 1796, Art. X, Sec. 3.]

SEC. 4. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; but such laws shall be general and uniform in their operation throughout the State.

[Note.—Const. of 1834, Art. XI, Sec. 4.]

SEC. 5. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

[Note.—Const. of 1834, Art. XI, Sec. 5.]

SEC. 6. The Legislature shall have no power to change the names of persons, or to pass acts adopting or legitimating persons, but shall, by general laws, confer this power on the courts.

SEC. 7. The Legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the State; BUT THE LEGISLATURE MAY PROVIDE FOR A CONVENTIONAL RATE OF INTEREST, NOT TO EXCEED TEN PER CENT PER ANNUM.

[Note.—Const. of 1834, Art. XI, Sec. 6, except the words in SMALL CAPITALS, which are new.]

SEC. 8. The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals, inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals, rights, privileges, immunities, or exemptions, other than such as may be, by the same law, extended to any member of the community who may be able to bring himself within the provisions of such law. NO CORPORATION SHALL BE CREATED, OR ITS POWERS INCREASED OR DIMINISHED BY SPECIAL LAWS; BUT THE GENERAL ASSEMBLY SHALL PROVIDE, BY GENERAL LAWS, FOR THE ORGANIZATION OF ALL CORPORATIONS HEREAFTER CREATED, WHICH LAWS MAY, AT ANY TIME, BE ALTERED OR REPEALED; AND NO SUCH ALTERATION OR REPEAL SHALL INTERFERE WITH, OR DIVEST, RIGHTS WHICH HAVE BECOME VESTED.

[Note.—Const. of 1834, Art. XI, Sec. 7, except the words in SMALL CAPITALS, instead of which it has the following: "Provided, always, the Legislature shall have power to grant such charters of incorporation as they may deem expedient for the public good."]

SEC. 9. The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be deemed expedient.

[Note.—Const. of 1834, Art. XI, Sec. 8.]

SEC. 10. A well regulated system of internal improvement is calculated to develop the resources of the State, and promote the happiness and prosperity of her citizens; therefore, it ought to be encouraged by the General Assembly.

[Note.—Const. of 1834, Art. XI, Sec. 9.]

SEC. 11. A homestead, in the possession of each head of a family, and the improvements thereon, to the value of, in all of one thousand dollars, shall be exempt from sale under legal process during the life of such head of a family, to inure to the benefit of the widow, and shall be exempt during the minority of their children occupying the same. Nor shall said property be alienated without the joint consent of husband and wife when that relation exists. This exemption shall not operate against public taxes, nor debts contracted for the purchase money of such homestead, or improvements thereon.

SEC. 12. Knowledge, learning, and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State being highly conducive to the promotion of this end, it shall be the duty of the General Assembly, in all future periods of this government, to cherish literature and science. And the fund called the common school fund, and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriation; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund or any part thereof to be diverted to any other use than the support and encouragement of common schools. THE STATE TAXES DERIVED HEREAFTER FROM POLLS SHALL BE APPROPRIATED TO EDUCATIONAL PURPOSES, IN SUCH MANNER AS THE GENERAL ASSEMBLY SHALL, FROM TIME TO TIME, DIRECT BY LAW. NO SCHOOL ESTABLISHED OR AIDED UNDER THIS SECTION SHALL ALLOW WHITE AND NEGRO CHILDREN TO BE RECEIVED AS SCHOLARS TOGETHER IN THE SAME SCHOOL. The above provision shall not prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities, or academies, or from authorizing heirs or distributees to receive and enjoy escheated property under such laws as may be passed from time to time.

[Note.—Const. of 1834, Art. XI, Secs. 10 and 11, except the words in SMALL CAPITALS, instead of which it has the following: "And it shall be the duty of the General Assembly to appoint a Board of Commissioners, for such term of time as they may think proper, who shall have the general superintendence of said fund, and who shall make a report of the condition of the same from time to time, under such rules, regulations, and restrictions as may be required by law; provided, that if at any time hereafter a division of the public lands of the United States, or of the money arising from the sale of such lands, shall be made among the individual States, the part of such lands or money coming to this State shall be devoted to the purposes of education and internal improvement; and shall never be applied to any other purpose."]

SEC. 12. The General Assembly shall have power to enact laws for the protection and preservation of game and fish within the State, and such laws may be enacted for, and applied and enforced in particular counties or geographical districts designated by the General Assembly.

SEC. 13. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation, inclusive, or their living together as man and wife, in this State, is prohibited. The Legislature shall enforce this Section by appropriate legislation.

SEC. 15. No person shall, in time of peace, be required to perform any service to the public on any day set apart by his religion as a day of rest.

SEC. 16. The declaration of rights, hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that everything in the Bill of Rights contained is excepted out of the general powers of the government, and shall forever remain inviolate.

[Note.—Const. of 1834, Art. XI, Sec. 12. The Const. of 1796, Art. X, Sec. 4, not only excepted everything in the Bill of Rights, but "every other right not hereby delegated," out of the general powers of the government.]

SEC. 17. No county office created by the Legislature shall be filled otherwise than by the people or the County Court.

THE SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of the Constitution, it is declared that the Governor of the State, the members of the General Assembly, and all officers elected at or after the general election of March, 1870, shall hold their offices for the terms prescribed in this Constitution.

Officers appointed by the courts shall be filled by appointment, to be made and to take effect during the first term of the court held by Judges elected under this Constitution.

All other officers shall vacate their places thirty days after the day fixed for the election of their successors under this Constitution.

The Secretary of State, Comptroller, and Treasurer shall hold their offices until the first session of the present General Assembly occurring after the ratification of this Constitution, and until their successors are elected and qualified.

The officers then elected shall hold their offices until the fifteenth day of January, 1873.

SEC. 2. At the first election of Judges under this Constitution, there shall be elected six Judges of the Supreme Court, two from each grand division of the State, who shall hold their offices for the term herein prescribed.

In the event any vacancy shall occur in the office of either of said Judges at any time after the first day of January, 1873, it shall remain unfilled, and the court shall from that time be constituted of five Judges.

While the court shall consist of six Judges they may sit in two sections, and may hear and determine causes in each at the same time, but not in different grand divisions at the same time.

When so sitting the concurrence of two Judges shall be necessary to a decision.

The Attorney General and Reporter for the State shall be appointed after the election and qualification of the Judges of the Supreme Court herein provided for.

SEC. 3. Every Judge and every officer of the Executive Department of the State, and every Sheriff holding over under this Constitution shall, within twenty days after the ratification of this Constitution is proclaimed, take an oath to support the same; and the failure of any officer to take such oath shall vacate his office.

SEC. 4. The time which has elapsed from the sixth day of May, 1861, until the first day of January, 1867, shall not be computed in any cases affected by the statutes of limitation, nor shall any writ of error be affected by such lapse of time.

Done in Convention, at Nashville, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States, the ninety-fourth. In testimony whereof, we have hereunto set our names.

JOHN C. BROWN, President.

JOHN ALLEN,
JESSE ARLEDGE,
HUMPHREY R. BATE,
JNO. BAXTER,
A. BLIZZARD,
NATHAN BRANDON,
JAMES BRITTON,
R. P. BROOKS,
NEILL S. BROWN,
JAMES S. BROWN,
T. M. BURKETT,
JNO. W. BURTON,
WM. BYRNE,
ALEX. W. CAMPBELL,
WM. BLOUNT CARTER,
Z. R. CHOWNING,
JAMES A. COFFIN,
WARREN CUMMINGS,
ROBERT P. CYPERT,
THOS. D. DEAVENPORT,
W. V. DEADRICK,
G. G. DIBRELL,
W. F. DOHERTY,
J. E. DROMGOOLE,
JAMES FENTRESS,
A. T. FIELDER,
P. G. FULKERSON,
JOHN A. GARDNER,
JOHN E. GARNER,
S. P. GAUT,
CHARLES N. GIBBS,
B. GORDON,
J. B. HEISKELL,

R. HENDERSON,
H. L. W. HILL,
SPL. HILL,
SAM. S. HOUSE,
JNO. F. HOUSE,
T. B. IVIE,
THOMAS M. JONES,
DAVID N. KENNEDY,
O. M. KEY,
SAM. J. KIRKPATRICK,
A. A. KYLE,
JOS. A. MABRY,
A. G. McDUGAL,
MALCOLM McNABB,
MATT MARTIN,
JOHN H. MEEKS,
THOS. C. MORRIS,
J. NETHERLAND,
A. O. P. NICHOLSON,
GEO. C. PORTER,
JAS. D. PORTER, JR.,
GEO. E. SEAY,
SAMUEL G. SHEPARD,
E. H. SHELTON,
WM. H. STEPHENS,
JOHN M. TAYLOR,
J. C. THOMPSON,
W. VANCE THOMPSON,
JAMES J. TURNER,
GEO. W. WATERS,
RICHARD WARNER, JR.,
W. H. WILLIAMSON,
W. M. WRIGHT.

Attest:

THOS. W. JONES,
Assistant Secretary,
W. S. KYLE,
2d Assistant Secretary.

T. E. S. RUSSWURM,
Secretary.

ORDINANCE.

1. Be it ordained by the Convention, That it shall be the duty of the several officers of the State, authorized by law to hold elections for members of the General Assembly and other officers, to open and hold an election at the place of holding said elections in their respective counties, on the fourth Saturday in March, 1870, for the purpose of receiving the votes of such qualified voters as may desire to vote for the ratification or rejection of the Constitution recommended by this Convention. And the qualification of voters in said election be the same as that required in the election of delegates to this Convention.

2. It shall be the duty of said returning officers, in each county in this State, to enroll the name of each voter on the poll books prepared for said election, and shall deposit each ballot in the ballot boxes respectively. Each voter who wishes to ratify the new Constitution shall have written or printed on his ticket the words, "New Constitution," or words of like import; and each voter who wishes to vote against the ratification of the new Constitution, shall have written or printed on his ticket the words, "Old Constitution," or words of like import.

3. The election shall be held, and the judges and clerks shall be appointed, as in the case of the election of the members of the General Assembly; and the returning officers, in presence of the judges or inspectors, shall count the votes given for the "New Constitution," and of those given for the "Old Constitution," of which they shall keep a correct estimate in said poll-books. They shall deposit the original poll-books of said election with the Clerks of the County Courts in the respective counties, and shall, within five days after the election, make out accurate statements of the number of votes in their respective counties, for or against the "New Constitution," and immediately forward by mail, one copy of said certificates to the Governor, and one to the Speaker of the Senate. So soon as the poll-books are deposited with the County Court Clerks, they shall certify to the President of the Convention an accurate statement of the number of votes cast for or against the "New Constitution," as appears on said poll-books. And, if any of said returning officers shall fail to make the returns herein provided for within the time required, the Governor shall be authorized to send special messengers for the result of the vote in those counties whose officers have so failed to make returns.

4. Upon the receipt of said returns, it shall be the duty of the Governor, Speaker of the Senate, and the President of this Convention, or any two of them, to compare the votes cast in said election; and if it shall appear that a majority of all the votes cast for and against the new Constitution were for "New Constitution," it shall be the duty of the Governor, Speaker of the Senate, and President of this Convention, or any two of them, to append to this Constitution a certificate of the result of the votes, from which time the Constitution shall be established as the Constitution of Tennessee, and the Governor shall make proclamation of the result.

5. The Governor of the State is requested to issue his proclamation as to the election on the fourth Saturday in March, 1870, hereto provided for.

JOHN C. BROWN, President.

Attest: T. E. S. RUSSWURM, Secretary.

PROCLAMATION.

STATE OF TENNESSEE, EXECUTIVE DEPARTMENT, }

NASHVILLE, May 5, 1870. }

In pursuance of the fourth ordinance of the late Constitutional Convention, I have carefully examined the official returns of the election held on the twenty-sixth day of March last, for the ratification or rejection of the proposed Constitution for the State of Tennessee (except the counties of Knox, Grainger, Roane, and Overton, which returns have not been received), and find the number of votes cast for the "New Constitution" to be (98,128) ninety-eight thousand one hundred and twenty-eight, and for the "Old Constitution" (33,872) thirty-three thousand eight hundred and seventy-two, being a majority of (64,256) sixty-four thousand two hundred and fifty-six for the New Constitution.

Now, therefore, I, D. W. C. Senter, Governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby declare and proclaim that the New Constitution, as submitted to the people, was ratified by them at the ballot box on the twenty-sixth day of March last, by said majority of (64,256) sixty-four thousand two hundred and fifty-six votes.

In testimony whereof, I have herewith subscribed my official signature, and ordered the Great Seal of the State to be affixed.

Done at the Department in the city of Nashville, this fifth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the American Independence the ninety-fourth.

D. W. C. SENTER.

By the Governor:

A. J. FLETCHER,

Secretary of State.

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TENNESSEANS WHO HAVE HELD HIGH CIVIL OFFICE IN THE FEDERAL GOVERNMENT.

PRESIDENTS.

Andrew Jackson.
James K. Polk.
Andrew Johnson.

VICE-PRESIDENT.

Andrew Johnson.

JUSTICES OF THE SUPREME COURT.

John Catron.
Howell E. Jackson.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

John Bell.
James K. Polk.

PRESIDENTS OF THE SENATE, PRO TEMPORE.
Joseph Anderson.
Hugh L. White.
Isham G. Harris.

DEPARTMENT OFFICERS.
George W. Campbell, Secretary of the Treasury.
John H. Eaton, Secretary of War.
John Bell, Secretary of War.
Felix Grundy, Attorney General.
Cave Johnson, Postmaster General.
Aaron V. Brown, Postmaster General.
David M. Key, Postmaster General.
Horace Maynard, Postmaster General.
S. D. Jacobs, Assistant Postmaster General.
James D. Porter, Assistant Secretary of State.
Charles W. Dabney, Assistant Secretary of Agriculture.

MINISTERS TO FOREIGN COUNTRIES.
Russia —
George W. Campbell.
Neill S. Brown.
Turkey —
James Williams.
Horace Maynard.
Chili —
Balie Payton.
James D. Porter.

Spain —
John H. Eaton.
Prussia —
Andrew J. Donelson.

Brazil —
William Trousdale.

Bolivia —
Allen A. Hall.

Mexico —
Andrew Jackson (declined).

Venezuela —
John L. Marling.

REGISTERS OF THE TREASURY.
Daniel Graham.
Allen A. Hall.
J. Fount Tillman.

COMPTROLLER OF THE TREASURY.
Joseph Anderson.

MEMBER OF PHILIPPINE COMMISSION.
Luke E. Wright.

UNITED STATES SENATORS.

CLASS 1.¹
William Coker, 1796-1797.
Andrew Jackson, 1797-1798.
Daniel Smith, 1798-
Joseph Anderson, 1798-1815.
George W. Campbell, 1815-1818.
John Henry Eaton, 1818-1829.
Felix Grundy, 1829-1838.
Ephraim H. Foster, 1838-1839.
Felix Grundy, 1839-1840.
Alfred O. P. Nicholson, 1840-1841.
Vacant, 1841-1843.
Ephraim H. Foster, 1843-1845.
Hopkins L. Turney, 1845-1851.
James C. Jones, 1851-1857.
Andrew Johnson, 1857-1862.
Vacant, 1862-1865.
David T. Patterson, 1865-1869.
William G. Brownlow, 1869-1875.
Andrew Johnson, 1875-
David M. Key, 1875-1877.
James E. Bailey, 1877-1881.
Howell E. Jackson, 1881-1887.

Washington C. Whitthorne, 1887.
William B. Bate, 1887-1900.

CLASS 2.¹
William Blount, 1796-1797.
Joseph Anderson, 1797-1799.
William Coker, 1799-1805.
Daniel Smith, 1805-1809.
Jenkins Whiteside, 1809-1811.
George W. Campbell, 1811-1814.
Jesse Wharton, 1814-1815.
John Williams, 1815-1823.
Andrew Jackson, 1823-1825.
Hugh Lawson White, 1825-1830.
Alexander Anderson, 1830-1841.
Vacant, 1841-1843.
Spencer Jarnagin, 1843-1847.
John Bell, 1847-1859.
Alfred O. P. Nicholson, 1859-1861.
Vacant, 1861-1865.
Joseph S. Fowler, 1865-1871.
Henry Cooper, 1871-1877.
Isham G. Harris, 1877-1880.
Thomas B. Turley, 1880-1900.

CONFEDERATE STATES SENATORS FROM TENNESSEE.

Gustavus A. Henry, 1861-1865.

Landon C. Haynes, 1861-1865.

¹ The members of the United States Senate are divided as equally as may be into three classes, so that one-third may be chosen every second year (Const., Art. I, Sec. 3). When Tennessee was admitted to the Union, her Senators were assigned to Classes 1 and 2 — Coker being in Class 1 and Blount in Class 2.

STATE AND TERRITORIAL OFFICERS

PRESIDENTS OF CONSTITUTIONAL CONVENTIONS.

William Blount, 1796.
 William B. Carter, 1834.
 John Calvin Brown, 1870.

GOVERNOR OF SOUTHWEST TERRITORY.

William Blount, 1790-1796.

GOVERNORS OF TENNESSEE.

1. John Sevier, 1796-1801.
2. Archibald Roane, 1801-1803.
 John Sevier, 1803-1809.
3. Willie Blount, 1809-1815.
4. Joseph McMinn, 1815-1821.
5. William Carroll, 1821-1827.
6. Sam Houston, 1827-1829.
7. William Hall, April to October, 1829.
8. William Carroll, 1829-1835.
9. Newton Cannon, 1835-1839.
9. James K. Polk, 1839-1841.
10. James C. Jones, 1841-1845.
11. Aaron V. Brown, 1845-1847.
12. Neill S. Brown, 1847-1849.
13. William Trousdale, 1849-1851.
14. William B. Campbell, 1851-1853.
15. Andrew Johnson, 1853-1857.
16. Isham G. Harris, 1857-1863.
 Robert L. Caruthers, elected in 1863, did not take his seat.
 Andrew Johnson, 1862-1865, Military Governor.
17. William G. Brownlow, 1865-1869.
18. DeWitt C. Senter, 1869-1871.
19. John C. Brown, 1871-1875.
20. James D. Porter, 1875-1879.
21. Albert S. Marks, 1879-1881.
22. Alvin Hawkins, 1881-1883.
23. William B. Bate, 1883-1887.
24. Robert L. Taylor, 1887-1891.
25. John P. Buchanan, 1891-1893.
26. Peter Turney, 1893-1897.
26. Robert L. Taylor, 1897-1899.
27. Benton McMinn, 1899--

SPEAKERS OF THE TERRITORIAL COUNCIL AND HOUSE OF REPRESENTATIVES.

Council.

Griffith Rutherford.

House of Representatives.

David Wilson.

SPEAKERS OF THE TENNESSEE SENATE AND HOUSE OF REPRESENTATIVES, WITH THE NUMBER OF THE GENERAL ASSEMBLY IN WHICH EACH SERVED.

Senate.

James Winchester, 1st.
 James White and William Blount, 2d.
 Alexander Outlaw, 3d.
 James White, 4th and 5th.
 Joseph McMinn, 6th, 7th, and 8th.
 Thomas Henderson, 9th.
 Robert C. Foster, 10th.
 James Stewart, 11st and 2d.
 Edward Ward, 11th and 12th.

Robert Weakley, 13th.
 Sterling Brewer, 14th.
 Robert Weakley, 15th.
 Robert C. Foster, 16th.
 William Hall, 17th.
 Joel Walker, 18th.
 Burchett Douglass, 19th.
 David Burford, 20th.
 Jonathan Webster, 21st.
 Terry H. Cahal, 22d.
 Thomas Love, 23d.
 Sam Turney, 24th.
 Josiah M. Anderson, 25th.
 Harvey M. Waterson, 26th.
 Josiah M. Anderson, 27th.
 John F. Henry, 28th.
 M. R. Hill, 29th.
 Edwin Polk, 30th.
 Edwin S. Cheatham, 31st.
 John C. Burch, 32d.
 Tazewell W. Newman, 33d.
 Edwin S. Cheatham, 34th (Confederate).
 J. B. Frierson and Samuel R. Rodgers, 2d 34th.
 P. P. C. Nelson and DeWitt C. Senter, 35th.
 Dorsey B. Thomas, 36th.
 John C. Vaughan, 37th.
 A. T. Lacey, 38th.
 Thomas H. Paine, 39th.
 Hugh M. McAdoo, 40th.
 John R. Neal, 41st.
 George H. Morgan, 42d.
 B. F. Alexander, 43d.
 C. R. Berry, 44th.
 Z. W. Ewing, 45th.
 Benjamin J. Lea, 46th.
 W. C. Dismukes, 47th and 48th.
 Ernest Pillow, 49th.
 John Thompson, 50th.
 Seid Waddell, 51st.

House of Representatives.

William Dickson, 3d and 4th.
 James Stewart, 5th.
 Robert C. Foster, 6th.
 John Tipton, 7th.
 Joseph Dickson, 8th.
 John Cocke, 9th.
 Thomas Claiborne, 10th.
 James Fentress, 11th, 12th, 13th, 14th, 15th.
 William Brady, 16th.
 John H. Camp, 17th.
 Ephraim H. Foster, 18th.
 Frederick W. Huling, 19th and 20th.
 Ephraim H. Foster, 21st.
 John Cocke, 22d.
 Jonas E. Thomas, 23d.
 Burchett Douglass and Franklin Buchanan, 24th.
 Daniel L. Barringer, 25th.
 Brookins Campbell, 26th.
 Franklin Buchanan, 27th.
 Landon C. Haynes, 28th.
 Jordan Stokes, 29th.
 W. H. Wisener, 30th.
 Neill S. Brown, 31st.
 Daniel S. Donelson, 32d.
 W. C. Whitthorne, 33d.
 Edwin A. Keeble, 34th (Confederate).
 William Heiskell, 2d 34th.
 F. S. Richards, 35th.

William O'N. Perkins, 36th.
 James D. Richardson, 37th.
 W. S. McGahey, 38th.
 Lewis Bond, 39th.
 Edwin T. Talliaferro, 40th.
 Henry P. Fowlkes, 41st.
 H. B. Ramsey, 42d.
 W. L. Ledgerwood, 43d.
 J. A. Manson, 44th.
 W. L. Clapp, 45th and 46th.
 Thomas R. Myers, 47th.
 Ralph Davis and Julius A. Trousdale, 48th.
 John A. Tipton, 49th.
 Morgan C. Fitzpatrick, 50th.
 Joseph W. Byrnes, 51st.

JUDGES OF SOUTHWEST TERRITORY.²

David Campbell, 1790-1796.
 John McNairy, 1790-1796.
 Joseph Anderson, 1791-1796.

JUDGES OF TENNESSEE.

Superior Court, 1790-1809.

John McNairy, 1790-1797.
 Archibald Roane, 1790-1801.
 Willie Blount, 1796.
 William C. C. Claiborne, 1790-1797.
 Howell Tatum, 1797-1798.
 David Campbell, 1797-1809.
 Andrew Jackson, 1798-1804.
 Hugh L. White, 1801-1807.
 John Overton, 1804-1809.
 Samuel Powell, 1807-1809.
 Parry W. Humphreys, 1807-1809.
 Thomas Emmerson, 1807.

Supreme Court, under Act of 1809.

Hugh Lawson White, 1809-1814.
 George W. Campbell, 1809-1811.
 John Overton, 1811-1816.
 W. W. Cooke, 1815-1816.
 Archibald Roane, 1815-1818.
 Robert Whyte, 1816-1835.
 John Haywood, 1816-1826.
 Thomas Emmerson, 1810-1822.
 Jacob Peck, 1822-1835.
 William L. Brown, 1822-1823.
 John Catron, 1824-1835 — First Chief Justice.
 Thomas L. Williams, 1824.
 Henry Crabb, 1827.
 Nathan Green, 1831-1835.

Supreme Court, under Constitution of 1834.

Nathan Green, 1835-1853.
 William B. Reese, 1835-1847.
 William B. Turley, 1835-1853.
 Robert J. McKinney, 1847-1862.
 Archibald W. O. Totten, 1850-1855.
 Robert L. Caruthers, 1853-1861.
 William R. Harris, 1855-1858.

Archibald Wright, 1858-1862.
 William F. Cooper, 1861-1862.
 Russell Houston, 1865.
 Samuel Milligan, 1865-1867.
 Henry G. Smith, 1865-1867.
 James O. Shackelford, 1865-1867.
 Andrew McClain, 1867-1870.
 Alvin Hawkins, 1867-1870.
 George Andrews, 1867-1870.

Supreme Court, under Constitution of 1870.

Thomas A. R. Nelson, 1870-1871.
 Alfred O. P. Nicholson, 1870-1876 — Second Chief Justice.
 James W. Deaderick, 1870-1884 — Third Chief Justice.
 Robert McFarland, 1872-1884.
 Peter Turney, 1870-1893 — Fourth Chief Justice.
 Thomas J. Freeman, 1870-1886.
 John L. T. Sneed, 1870-1878.
 William F. Cooper, 1878-1886.
 James B. Cooke, 1884-1886.
²Waller C. Caldwell, 1886-1900.
 William C. Fowlkes, 1886-1890.
 Horace H. Lurton, 1886-1893 — Fifth Chief Justice.
³David L. Snodgrass, 1886-1900 — Seventh Chief Justice.
³William D. Beard, 1890, and 1894-1900.
 Benjamin J. Lea, 1890-1894 — Sixth Chief Justice.
³John S. Wilkes, 1893-1900.
⁴William K. McAlister, 1893-1900.

ATTORNEYS GENERAL AND REPORTERS.

George S. Yenger, 1831-1839.
 Return J. Meigs, 1839.
 West H. Humphreys, 1839-1851.
 W. G. Swan, 1851-1854.
 John L. T. Sneed, 1854-1859.
 John W. Head, 1850 to Civil War.
 Thomas H. Caldwell, 1865-1870.
 Joseph B. Heiskell, 1870-1878.
 Benjamin J. Lea, 1878-1886.
 George W. Pickle, 1886-1900.

SECRETARIES OF STATE.

¹Daniel Smith was Secretary of the Territory, appointed by President Washington, June 8, 1790, qualified December 15, 1790, served till the organization of the State, in 1796.
 William Maclin, 1796-1807.
 Robert Houston, 1807-1811.
 W. G. Blount, 1811-1815.
 William Alexander, 1815-1818.
 Daniel Graham, 1818-1830.
 Thomas H. Fletcher, 1830-1832.
 Samuel G. Smith, 1832-1835.
 Luke Lea, 1835-1839.
 John S. Young, 1839-1847.
 W. B. A. Ramsey, 1847-1855.

² Miller's Official Manual of Tennessee, p. 180, names Governor William Blount as a member of the Territorial Court, and omits the name of John McNairy. Both are erroneous. June 8, 1790, President Washington appointed Campbell, McNairy, and Perry to be the Judges of the Southwest Territory. Perry did not qualify, and Anderson was appointed in his place, and qualified July 15, 1791. See Blount's Journal in American Historical Magazine, pp. 221, 223, 230, 235, and 239.

³ Member of the present Bench.

⁴ Miller's Manual states the appointment of Daniel Smith as made in 1792. This is an error. See Blount's Journal.

F. N. W. Burton, 1855-1859.
 J. E. R. Ray, 1859-1865.
 Edward H. East, 1862-1865 (appointed by
 Andrew Johnson, Military Governor).
 A. J. Fletcher, 1865-1870.
 T. H. Butler, 1870-1873.
 Charles N. Gibbs, 1873-1881.
 David A. Nunn, 1881-1885.
 John Allison, 1885-1889.
 Charles A. Miller, 1889-1893.
 William S. Morgan, 1893-1900.

COMPTROLLERS OF THE TREASURY.

Daniel Graham, 1836-1843.
 Felix K. Zollicoffer, 1843-1849.
 B. H. Sheppard, 1849-1851.
 Arthur R. Crozier, 1851-1855.
 James C. Luttrell, 1855-1857.
 James T. Dunlap, 1857-1861.
 Joseph S. Fowler, 1861-1865.
 S. W. Hatchett, 1865-1866.
 G. W. Blackburn, 1866-1870.
 E. R. Pennebaker, 1870-1873.
 W. W. Hobbs, January to May, 1873.
 John C. Burch, May, 1873, to 1875.
 James L. Gaines, 1875-1881.
 James N. Nolan, 1881-1883.
 P. P. Pickard, 1883-1889.
 J. W. Allen, 1889-1893.
 James A. Harris, 1893-1899.
 Theodore F. King, 1899-1900.

TREASURERS.

Under the Territorial Government.

Daniel Smith, Secretary of State, was ex officio Treasurer until September, 1794. In pursuance of an Act of the Territorial Legislature, Governor Blount, on September 27, 1794, appointed Howell Tatum, Treasurer for Mero District, and on September 30th, appointed Landon Carter, Treasurer for Washington and Hamilton Districts; both of these officers served until the organization of the State Government, in March, 1796.

Under the Constitution of 1796.

For Washington and Hamilton Districts —
 Landon Carter, 1796-1800.
 John Maclin, 1800-1803.
 Thomas McCorry, 1803-1813.
 For Mero District —
 William Black, 1796-1797.
 Robert Searcy, 1797-1803.
 Thomas Crutcher, 1803-1813.
 For East Tennessee —
 Thomas McCorry, 1813-1815.
 Matthew Nelson, 1815-1827.
 Miller Francis, 1827-1836.
 For West Tennessee —
 Thomas Crutcher, 1813-1836.
 For Western District —
 James Caruthers, 1827-1836.

The Constitution of 1831 provided for one Treasurer for the State.
 Miller Francis, 1836-1843.
 Matthew Nelson, 1843-1845.
 Robert B. Turner, 1845-1847.
 Anthony Dibrell, 1847-1855.
 G. C. Torbett, 1855-1857.
 W. Z. McGregor, 1857-1865.
 R. L. Stanford, 1865-1866.
 John R. Henry, 1866-1868.
 W. H. Stillwell, 1868-1869.
 J. E. Rust, 1869-1871.
 William Morrow, 1871-1877.
 M. T. Polk, 1877-1883.
 Atha Thomas, 1883-1885.
 J. W. Thomas, 1885-1886.
 Atha Thomas, 1886-1889.
 M. F. House, 1889-1893.
 E. B. Craig, 1893-1900.

STATE SUPERINTENDENTS OF PUBLIC INSTRUCTION.

This office was created in 1835. The following Superintendents were elected by the Legislature:
 Robert H. McEwen, 1835-1840.
 Robert P. Currin, 1840-1841.
 Scott Terry, 1841-1844.
 The office was abolished in 1843, to take effect in 1844. The State Treasurer was made ex officio Superintendent of Public Instruction. In 1867, the office was again created. The following Superintendents were elected by the people:

John Eaton, 1867-1869.
 A. J. Tipton, 1869-1871.
 In 1870, the office was again abolished, to take effect in 1871, and the duties devolved on the State Treasurer, ex officio. In 1873, the office was again created, and the following Superintendents have been appointed by the Governor, and confirmed by the Senate:
 John M. Fleming, 1873-1875.
 Leonidas Trousdale, 1875-1881.
 W. S. Doak, 1881-1882 (died).
 G. S. W. Crawford, 1882-1883.
 Thomas H. Paine, 1883-1887.
 Frank M. Smith, 1887-1891.
 W. R. Garrett, 1891-1893.
 Frank M. Smith, 1893-1895.
 S. G. Gilbreath, 1895-1897.
 Price Thomas, 1897-1899.
 Morgan C. Fitzpatrick, 1899-1900.

COMMISSIONERS OF AGRICULTURE.

J. B. Killebrew, 1875-1881.
 A. W. Hawkins, 1881-1883.
 A. J. McWhirter, 1883-1887.
 B. M. Hord, 1887-1891.
 D. G. Godwin, 1891-1893.
 T. F. P. Allison, 1893-1897.
 John T. Essary, 1897-1899.
 Thomas H. Paine, 1899-1900.

² Joseph R. Dillin was elected April 25, 1865, but was ineligible, being a member of the Legislature that elected him.

⁶ Miller's Manual erroneously names L. R. Stanford in the list of State Superintendents. Mr. Stanford was Treasurer, 1865-1866, and was ex officio Superintendent, as were all the other Treasurers from 1844 to 1867.

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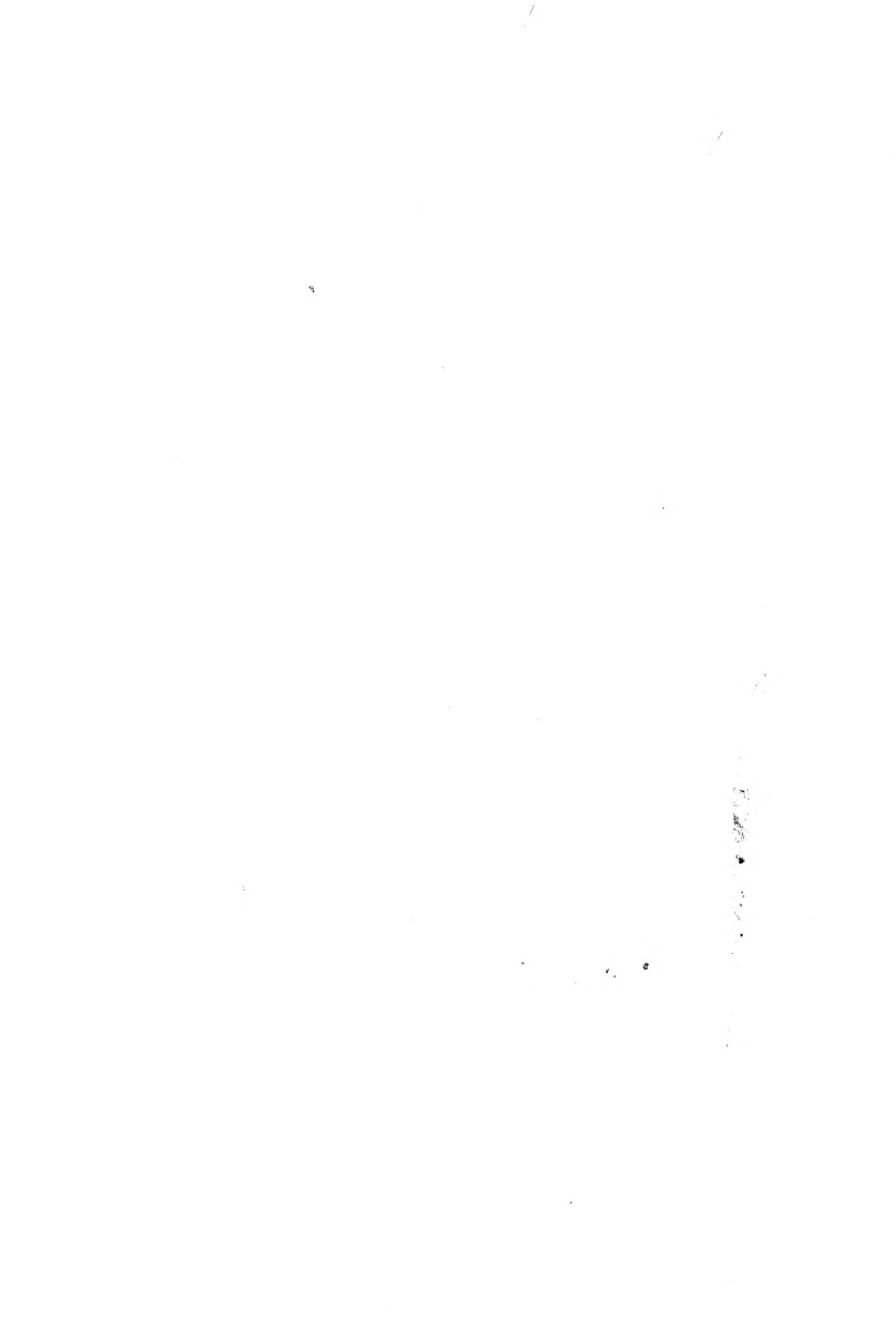
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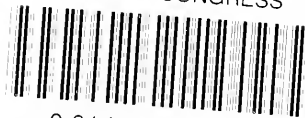
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